

**3. MAURO E. VARENA**  
**(Applicant)**

**07-10-CZ14-4 (07-162)**  
**BCC/District 9**  
**Hearing Date: 1/24/08**

Property Owner (if different from applicant) Same.

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☒

Disclosure of interest form attached? Yes ☐ No ☒

**Previous Zoning Hearings on the Property:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1947	Dade County Zoning Dept.	Regulations to apply to EU-1 districts.	BCC	Approved
1948	Dade County Zoning Dept.	Zone change from AU and EU-1B to EU-1.	ACC	Approved
1951	CO. Zoning Dept.	- Increase minimum lot width. - Zone change from EU-1A and EU-1B to EU-1.	ACC	Approved

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO THE BOARD OF COUNTY COMMISSIONERS**

**APPLICANT:** Mauro E. Varena

**PH:** Z07-162 (07-10-CZ14-4)

**SECTION:** 12-56-38

**DATE:** January 24, 2008

**COMMISSION DISTRICT:** 9

**ITEM NO.:** 3

**A. INTRODUCTION**

o **REQUESTS:**

Mauro E. Varena is appealing the decision of the Community Zoning Appeals Board #14 which denied with prejudice the following requests:

- (1) AU and EU-1 to EU-1
- (2) Applicant is requesting to permit proposed Lots 2 - 4 each with a lot depth of 167.05' (200' required in the EU-1 zone).

OR IN THE ALTERNATIVE TO REQUESTS 1 & 2, the following:

- (3) Applicant is requesting to permit proposed Lot 1 with a lot area of 1.1 gross acres and to permit proposed Lots 2 - 4 each with a lot area of 1.006 gross acres (5 gross acres required for each).
- (4) Applicant is requesting to permit proposed Lot 1 with a lot frontage of 167.05' (200' required for each).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 through #4 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b). (Non-Use Variance) or §33-311(A)(4)(c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Proposed Site Plan 18475 S.W. 216 Street, Miami, Florida 33170," as prepared by Vicente Franco, dated stamped received 7/13/07 and consisting of 1 page. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** The applicant is requesting a zone change on the subject property from AU, Agricultural District, and EU-1, Single-Family One Acre Estate Residential District, to EU-1, and to permit 3 lots with less depth than required; or in the alternative, to permit 4 lots with less lot area and 1 lot with less lot frontage than required.
- o **LOCATION:** 18475 SW 216 Street, Miami-Dade County, Florida.
- o **SIZE:** 5.28 gross acres
- o **IMPACT:** Approval of the application in either of the alternative versions would allow the applicant to subdivide the property and provide additional housing units to the community. The rezoning of the property and the consequent subdivision of the land will transform approximately 4.12 gross acres of previously agriculturally (AU) zoned land in Miami-Dade County, will increase the population in the area, may impact the water and sewer services, will add children to the area schools and will increase traffic in the area.

**B. ZONING HEARINGS HISTORY:** In 1948, the southern 330' of the subject property was part of an application that was rezoned from AU, Agricultural District, to EU-1b, pursuant to Resolution No. 2847. In 1951, the subject property was part of a larger application, which abolished the EU-1b, Single-Family Estate One Acre or More Residential District, zone classification and rezoned all said land to EU-1, pursuant to Resolution No. 4257.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. **The subject property is located approximately five (5) miles west of and outside of the UDB.** The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Agriculture**. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packinghouses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.1.
2. In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a **density of no more than one unit per five acres**. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on **three or more contiguous sides** is predominately and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area.
3. **Uses and Zoning Not Specifically Depicted.** Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
4. **Urban Development Boundary.** The Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. Development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met. Adequate countywide development capacity will be maintained within the UDB by increasing development densities or intensities inside the UDB, or by expanding the UDB, when the need for such change is determined to be necessary through the Plan review and amendment process.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:** 5.28 gross acres

AU (4.02 gross / 3.424 net acres); Vacant  
EU-1 (1.26 gross / 0.945 net acres); Single-family residence

Agriculture

**Surrounding Properties:**

<b><u>NORTH:</u></b>	AU; Single-family residence	Agriculture
<b><u>SOUTH:</u></b>	EU-1; Single-family residence	Agriculture
<b><u>EAST:</u></b>	AU; Single-family residence EU-1; Vacant	Agriculture
<b><u>WEST:</u></b>	AU; Single-family residence and Grove EU-1; Single-family residences	Agriculture

The 5.28-gross acre subject property is a long rectangular lot, oriented along the north-south axis, located on the north side of SW 216 Street at 18475 SW 216 Street and extending to SW 212 Street. The area surrounding the subject property is characterized as rural, established with single-family residences and agricultural uses. An existing one-story, single-family residence is currently located on the southernmost portion of the parcel fronting on SW 216 Street, but it is the intent of the applicant to raze the structure to accommodate the proposed development. The site is located approximately 5 miles west of and outside of the Urban Development Boundary (UDB), which is at the intersection of SW 135 Avenue and SW 216 Street.

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	(Subdivision plan submitted.)
Scale/Utilization of Site:	<b>Unacceptable</b>
Location of Buildings:	<b>N/A</b>
Compatibility:	<b>Unacceptable</b>
Landscape Treatment:	<b>N/A</b>
Open Space:	<b>N/A</b>
Buffering:	<b>N/A</b>
Access:	<b>Acceptable</b>
Parking Layout/Circulation:	<b>N/A</b>
Urban Design:	<b>N/A</b>

**F. PERTINENT REQUIREMENTS/STANDARDS:**

In evaluating an application for a **district boundary change**, Section 33-311 provides that the Board shall take into consideration, among other factors, the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;
- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;

- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

**Section 33-311(A)(14) Alternative Site Development Option for Single-Family and Duplex Dwellings.** The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

- (d) The **lot area, frontage, or depth** for a single family or duplex dwelling shall be approved upon demonstration of at least one of the following:
  - 1. the proposed lot area, frontage or depth will permit the development or redevelopment of a single family or duplex dwelling on a parcel of land where such dwelling would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:
    - A. the parcel is under lawful separate ownership from any contiguous property and is not otherwise grandfathered for single family or duplex use; and
    - B. the proposed alternative development will not result in the further subdivision of land; and
    - C. the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations; and
    - D. the lot area is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and
    - E. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
    - F. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
    - G. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
  - 2. the proposed alternative development will result in open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic character of the immediate vicinity in a manner not otherwise achievable through application of the underlying district regulations, provided that:
    - A. the density of the proposed alternative development does not exceed that permitted by the underlying district regulations; and
    - B. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002); and

- C. each lot's area is not less than eighty percent (80%) of the lot area required by the underlying district regulations; and
  - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
  - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
  - F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
3. the proposed lot area, frontage or depth is such that:
- A. the proposed alternative development will not result in the creation of more than three (3) lots; and
  - B. the size and dimensions of each lot are sufficient to provide all setbacks required by the underlying district regulations; and
  - C. no lot area shall be less than the smaller of:
    - i. ninety percent (90%) of the lot area required by the underlying district regulations; or
    - ii. the average area of the developed lots in the immediate vicinity within the same zoning district; and
  - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
  - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
  - F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
4. If the proposed alternative development involves the creation of new parcels of smaller than five (5) gross acres in an area designated **agricultural** in the Comprehensive Development Master Plan:
- A. the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development; and
  - B. the division of the parcel proposed for alternative development will not precipitate additional land division in the area; [and]
  - C. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and
  - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with[in] the agricultural designation; and

E. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.

(g) Notwithstanding the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:

1. will result in a significant diminution of the value of property in the immediate vicinity; or
2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or
4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.

(h) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:

- A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and
- B. the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

**Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.** Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.** Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and

subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**G. NEIGHBORHOOD SERVICES:**

DERM	<b>No objection*</b>
Public Works	<b>No objection</b>
Parks	<b>No objection</b>
MDT	<b>No objection</b>
Fire Rescue	<b>No objection</b>
Police	<b>No objection</b>
Schools	<b>3 students</b>

\*Subject to the conditions indicated in their memoranda.

**H. ANALYSIS:**

The applicant, Mauro Varena, is appealing the decision of the Community Zoning Appeals Board #14 (CZAB-14), which, on October 16, 2007, denied with prejudice an application for a district boundary change from AU, Agricultural District, and EU-1, One Acre Estate Single-Family Residential District, to EU-1 and a request to permit 3 lots with lesser lot depth than required under the EU-1 requirements. Alternative requests to permit 4 lots with lesser lot area and lot depth than required under the AU requirements were also denied with prejudice. On November 1, 2007, the applicant appealed the CZAB-14's decision to the Board of County Commissioners (BCC.) Staff notes that all existing uses and zoning are consistent with the CDMP. As such, the CZAB-14's decision to deny this application and retain the existing AU and EU-1 zoning on the subject property is consistent with the CDMP.

The 5.28-gross acre subject property is a long rectangular lot, oriented along the north-south axis, located on the north side of SW 216 Street at 18475 SW 216 Street and extending to SW 212 Street. The area surrounding the subject property is characterized as rural, established with single-family residences and agricultural uses. An existing one-story, single-family residence is currently located on the southernmost portion of the parcel fronting on SW 216 Street, which is the portion of the subject property currently zoned EU-1; but it is the intent of the applicant to raze the structure to accommodate the proposed development. The site is located approximately 5 miles west of and outside of the Urban Development Boundary (UDB), which is at the intersection of SW 135 Avenue and SW 216 Street. The south 290' of the property (330' if measured to the centerline of SW 216 Street), which is approximately 1.26 gross / 0.945 net acres in area, is zoned EU-1, Single-Family One Acre Estate Residential District, and the balance of the site is zoned AU, Agricultural District, approximately 4.02 gross / 3.424 net acres. It is the intent of the applicant to subdivide the site into 5 residential building sites. In doing so, the applicant is requesting a district boundary change from AU and EU-1 to EU-1 (request #1). If rezoned to EU-1, the plans illustrate that 3 of the 5 lots will have less lot depth than required in the EU-1 zone. Therefore, as a companion request to the district boundary change, the applicant also seeks to permit proposed Lots 2 - 4 each with a lot depth of 167.05' where 200' is required (request #2). In the alternative to the district boundary change to EU-1, the applicant is seeking to subdivide the EU-1 and AU zoned properties into 5 parcels, maintaining the same lot layout plan where 4 of the 5 lots (Lots 1 through 4) will maintain their AU zoning and the fifth lot (Lot 5) will retain the EU-1 zoning. Within this alternative, if not rezoned to EU-1, the plans

illustrate that 4 of the 5 lots will have less lot area than required and 1 of the lots will have less lot frontage than required in the AU zone. As such, the alternative requests to permit proposed Lot 1 with a lot area of 1.1 gross acres, to permit proposed Lots 2 - 4 each with a lot area of 1.006 gross acres (request #3) and to permit proposed Lot 1 with a lot frontage of 167.05' (request #3) are also sought. Under the AU zoning requirements, 5 gross acres are required for lot area as a building site, along with a required 200' of lot frontage. Staff notes that, as proposed, Lot 5 complies with all of the EU-1 zoning regulations and, therefore, no variances are sought for that parcel.

Plans submitted by the applicant show the development of the subject site with 5 proposed residential units, three of which, identified as proposed Lot 2, Lot 3 and Lot 4, are configured within the middle of the site fronting on the roadway, SW 185 Avenue, which will be dedicated, while the other two, proposed Lot 1 and Lot 5, are configured as corner lots. The plans illustrate that Lot 1, which is the parcel located furthest to the north, is situated at the southeast corner of SW 212 Street and the dedicated roadway SW 185 Avenue, while proposed Lot 5, which is located furthest to the south, is situated at the northeast corner of SW 216 Street and SW 185 Avenue. Review of the plans reveal that proposed Lot 1 has a lot frontage of 167.05', a lot depth of 265.51' and a total gross lot area of 1.10 acres; Lot 2, Lot 3, and Lot 4 have lot frontages of 262.51', lot depths of 142.05' (167.05' to the centerline) and gross lot areas of 1.006 acres; and Lot 5 has a lot frontage of 167.05', a lot depth of 262.51' and a total gross lot area of 1.160 acres. Rural single-family residences and undeveloped parcels of land interspersed with agricultural uses characterize the surrounding area where the subject property lies. Staff is not supportive of the proposed subdivision plan based on inconsistency with the Master Plan and incompatibility with the surrounding area for reasons to be outlined below.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application, particularly as it applies to the removal and preservation of specimen-sized (18" or greater trunk dimension) tree resources. The Public Works Department (**PWD**) has **no objections** to this application. This application will generate an additional 5 pm daily peak hour **vehicle trips** to the area. However, said trips will not change or exceed the acceptable Levels of Service (LOS) on the area roadways that are currently operating at LOS "A" and "C." The Miami-Dade Fire Rescue Department (**MDFRD**) has **no objections** to the application, and indicates that any change(s) to the vehicular circulation, on the plans dated stamped received July 13, 2007, must be resubmitted for review. Also, they indicate that the estimated response time is **8:06 minutes**. Miami-Dade County Public Schools (**MDCPS**) has **no objections** to the application and has indicated that the proposed zoning will bring an additional **3 students** into the area's public schools. Additionally, MDCPS indicates that the applicant and the School Board have held the required dialogue.

The approval of either of the alternatives would allow the applicant to subdivide the property into five (5) residential lots. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates the subject property as **Agricultural** use. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packinghouses and farm residences. However, where residential development is proposed, the interpretative text of the CDMP indicates that residential development can occur in agriculturally designated areas at a density of **no more than one unit per five gross acres**. This would generate a permissible numerical density threshold of a maximum of 1 dwelling unit on the 5.28 gross acre site. As previously mentioned, the subject property contains a single-family residence that fronts on SW 216 Street on the southern, EU-1 zoned portion of the site. Further, the interpretative text of the CDMP reads that all existing lawful uses and zoning are deemed to be consistent with the Master Plan as provided in the "Concepts and Limitations of the Land Use Plan Map" of the CDMP. As such, although designated Agriculture on the LUP map, the existing EU-1 zoned portion of the subject property containing a single-family residence is **consistent** with this provision of the interpretative text of the CDMP. Therefore, as indicated in the submitted plans, the existing residence sited on proposed 'Lot

5', which complies with all EU-1 zoning regulations, is allocated 1.16 gross acres of the site. This leaves a balance of 4.12 gross acres of Agriculturally designated land for the proposed subdivision, which would not be of sufficient size to accommodate even 1 more additional single-family residence, as determined by the 5-acre provision of the Master Plan for Agriculturally designated land, much less the 4 additional units proposed by the applicant.

The interpretative text of the CDMP allows that the creation of new parcels smaller than five gross acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominately parcelized in a similar manner and if a division of the subject parcel would not precipitate additional land division in the area. As previously mentioned, the applicant seeks to subdivide the property and develop the 5.28 gross acre site with 5 (4 new and 1 existing), single-family residences each sited on 1 acre, or slightly greater, parcels of land. Research indicates that the subject site is not surrounded on three contiguous sides by similarly sized and legally established lots that have been parcelized in a similar manner, and thus the site does not meet the criteria for subdivision of an agriculturally designated site as indicated in the provisions of the CDMP, keeping in mind that each of the proposed new lots must individually meet the three-sided rule. In 1983, the property located to the north of proposed Lot 1, across SW 212 Street, was approved for a non-use variance of lot area requirements, thus establishing the 1.55-gross acre lot as a building site in the AU zone, pursuant to Resolution No. 4-ZAB-361-83. As such, the property to the west of Lot 1 is a 5-acre parcel of land developed with a rural single-family residence and the property to the east of Lot 1 is a 2-acre parcel of land also developed with a rural single-family residence. Furthermore, the abutting property to the south of Lot 1 cannot be considered as one of the 3 sides as it is part of the applicant's proposed subdivision referred to within this application as Lot 2, and as such, is not yet legally established. Therefore, Lot 1 does not meet the three-sided rule. Lot 2 also does not meet the three-sided rule as evidenced by the abutting properties on two sides, the north and south sides, not being able to be considered since both lots are part of the applicant's proposed subdivision, referred to within this application as Lot 1 and Lot 3, and as such, are not yet legally established. Further, Lot 2 is also neighbored by the abovementioned 2-acre parcel of land to the east developed with a rural single-family residence. The same circumstance exists for Lot 3 not meeting the three-sided rule as evidenced by the abutting properties on two sides, the north and south sides, not being able to be considered since both lots are part of the applicant's proposed subdivision, referred to within this application as Lot 2 and Lot 4, and as such, are not yet legally established. Further, Lot 3 also neighbors a 2.86-acre parcel of undeveloped land to the east and a 5-acre grove to the west. Therefore, Lot 3 does not meet the three-sided rule. Lot 4 also does not meet the three-sided rule as evidenced by the abutting property on the north side which is part of the applicant's proposed subdivision, referred to within this application as Lot 3. However, Lot 5 is primarily zoned EU-1 and has an existing single-family residence and, as such, is a legally established building site contiguous to and similarly sized as Lot 4. However, the property to the west of Lot 4 is the abovementioned 5-acre grove and the property to the east is the abovementioned 2.86-acre parcel of undeveloped land. Therefore, Lot 4 also does not meet the three-sided rule. Also, the 2 properties that abut proposed Lot 5 to the west are zoned EU-1 and are developed with a single-family residence sited on 1 gross acres (39,399 net and 29,872 net). These properties are part of 'Keen Estates' that was platted in 2000 and consists of 18 lots that form an "L" along SW 187 Avenue and SW 216 Street. As such, these 2 abutting parcels are legally parcelized and contiguous to and relative to the size and scale of proposed Lot 5 and as such the western side of Lot 5 qualifies for consideration under the Master Plan provision. However, the property located to the south, across SW 216 Street, does not qualify as it is developed with a single-family residence established in 1957, but is sited on a 2-acre parcel of land. Moreover, the property located to the east of Lot 5 also does not qualify since although it has a similarly sized lot frontage, it is a 2.86-acre parcel of agricultural land. And the abutting property to the north of Lot 5 cannot be considered as it is part of the applicant's proposed subdivision, referred to within this application as Lot 4 and as such, is not yet legally established. Therefore, Lot 5 does not meet the three-sided rule; however, as previously mentioned, as a matter of right, the applicant can develop Lot 5 with a single-family residence in accordance with the underlying EU-1 zoning district regulations. In conclusion,

the approval of this application, in either of its alternatives to subdivide the subject property into 5 approximately 1-acre sized building sites, is **inconsistent** with the criteria to allow for parcelization of lots smaller than 5 gross acres to occur under the interpretative text of the CDMP, is **incompatible** with the parcels found in the immediate area and detrimental to the continued preservation of the viable agricultural land in Miami-Dade County. Therefore, the proposed zone change to EU-1 and the alternative requests for subdivision of agriculturally zoned lands with reduced lot areas and lot frontage are **inconsistent** with the CDMP.

The Department of Planning and Zoning does not support the zone change from AU and EU-1 to EU-1. When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development conforms to the Comprehensive Development Master Plan for Miami-Dade County. The proposed development is, in staff's determination, **inconsistent** with the Agricultural LUP Map designation of the CDMP and **incompatible** with the surrounding area. Staff notes that the UDB is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. As previously mentioned, this project is located **5 miles west of and outside of the UDB**. The 5.28-gross acre site is located along the southern edge (SW 216 Street) of section 12, township 56S, and range 38E. The one quarter ( $\frac{1}{4}$ ) section mile where the subject property lies is characteristically zoned with a 330' strip of EU-1 along the perimeter of the  $\frac{1}{4}$  section mile roadways, SW 182 Avenue, SW 216 Street, SW 187 Avenue and SW 208 street, surrounding AU zoned land in its center. This zoning configuration illustrates the obvious intention of accommodating future residential development of 1-acre minimum estate residences along the perimeter of this section while still maintaining and preserving viable agricultural land. This zoning configuration from 1948 is still intact when viewing the Zoning Map today. Therefore aside from scattered approvals for variances of lot frontage and lot area, the extension of EU-1 zoning into the AU zoned center would be incompatible with the area, and would not maintain the basic intent and purpose of the zoning, subdivision and land use regulations. As such, staff is of the opinion that the requested zone change to EU-1 is **incompatible** with the AU zoning found in the majority of the area to the north, west and east of the subject property, and would be contrary to the original spirit and intent of the section mile zoning. Additionally, the proposed density is **inconsistent** with the Agriculture LUP map designation of the CDMP, and the proposed lot layout is **inconsistent** with the provisions for the subdivision of land on less than 5 acres found within the interpretative text. Accordingly, staff recommends denial without prejudice of the district boundary change to EU-1 (request #1.)

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards. Requests #2 through #4 do not meet all of criteria needed for approval under the ASDO Standards for lots designated for **Agriculture** on the LUP map of the CDMP. Although the requests, to permit proposed Lots 2 - 4 each with a lot depth of 167.05' (request #2); to permit proposed Lot 1 with a lot area of 1.1 gross acres, to permit proposed Lots 2 - 4 each with a lot area of 1.006 gross acres (request #3); and to permit proposed Lot 1 with a lot frontage of 167.05' (request #4) meet the ASDO Standard in Section 33-311(A)(14)(d)(4)(E) which stipulates that the creation of new parcels must provide sufficient frontage to permit vehicular access to and from the lot, and ASDO Standard Section 33-311(A)(14)(d)(4)(C) which requires that the size and dimensions of the lot be sufficient to provide all setbacks, the requests do not comply with the remaining standards. As indicated above, the proposed development will precipitate additional land division in the area (ASDO Standard Section 33-311(A)(14)(d)(4)(B)). Further, the requests do not meet the ASDO Standard in Section 33-311(A)(14)(d)(4)(A), which stipulates that the creation of a new parcel smaller than 5 acres in an area designated Agriculture in the CDMP may be considered, provided abutting parcels are predominately parcelized in a manner similar to the proposed development on three or more sides. Also, the requests will result in an obvious departure from the aesthetic character of the surrounding area (ASDO Standard Section 33-311(A)(14)(d)(4)(D)). Therefore, in staff's opinion, the requests cannot be approved under the ASDO Standards, and, as such, staff

11

recommends denial without prejudice of requests #2 through #4 under Section 33-311(A)(14) (ASDO).

When requests #2 through #4 are analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the alternative requests are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. The applicant has not submitted documentation stating how the denial of this application will result in unnecessary hardship. As such, the requests cannot be approved under the ANUV Standards. Therefore, staff recommends denial without prejudice of requests #2 through #4 under Section 33-311(A)(4)(c) (ANUV).


When requests #2 through #4 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance Standards (NUV), staff is of the opinion that the proposed subdivision of the subject property would negatively affect the appearance and stability of the community. As previously mentioned, the entire subject property is designated for Agricultural use and the Agricultural designation on the LUP Map of the CDMP allows residential development to occur on parcels smaller than 5 acres in size when three sides immediately surrounding the proposed parcel are parcelized in a similar manner. When reviewing the properties contiguous to all of the lots proposed in the subject property, and keeping in mind that each of the proposed 5 lots must meet the three-sided rule, staff has found that none of the proposed parcels as outlined in requests #2 through #4 referred to as Lot 1, Lot 2, Lot 3 and Lot 4, have properties on three (3) contiguous sides that have been legally parcelized in a similar manner. Accordingly, staff opines that the requests to permit four substandard parcels, as outlined in request #2 and in the alternative requests #3 and #4, should be denied without prejudice under Section 33-311(A)(4)(b) (NUV).

Based on all of the foregoing, staff opines that the approval of the district boundary change would not be in keeping with the basic intent and purpose of the zoning, land use and subdivision regulations, and is **inconsistent** with the CDMP and that the subdivision as illustrated in the submitted plans is **incompatible** with the surrounding area. Therefore, staff recommends denial without prejudice of the appeal and denial without prejudice of the district boundary change from AU and EU-1 to EU-1 (request #1), and the corresponding subdivision plan which illustrates lots with less depth than required (request #2), as well as the alternative requests to subdivide the AU zoned lots into 4 parcels smaller than what is required (requests #3 and #4) under the AU zoning.

I. **RECOMMENDATION:** Denial without prejudice of the appeal and denial without prejudice of the application.

J. **CONDITIONS:** None.

DATE INSPECTED: 09/06/07  
DATE TYPED: 08/16/07  
DATE REVISED: 08/20/07; 09/04/07; 09/27/07; 11/15/07; 12/05/07; 12/10/07  
DATE FINALIZED: 12/27/07  
SB:MTF:LVT:JGM


  
Subrata Basu, Interim Director  
Miami-Dade County Department of  
Planning and Zoning

# Memorandum



**Date:** July 2, 2007

**To:** Subrata Basu, AIA, AICP, Interim Director  
Department of Planning and Zoning

**From:** Jose Gonzalez, P.E., Assistant Director  
Environmental Resources Management 

**Subject:** C-14 #Z2007000162  
Mauro E. Varena  
18475 S.W. 216<sup>th</sup> Street  
District Boundary Change from AU to EU-1 and Non-Use Variance to  
Subdivide Five Lots  
(AU) (5.13 Acres)  
12-56-38

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

## Potable Water Service

Public water is not available to the subject property. However, DERM has no objection to this type of low intensity development served by an individual water supply system, provided that groundwater quality in the area is such that drinking water standards can be met by the proposed water supply system. A minimum separation distance of 100 feet is required between any well and all septic tank drainfields, all surface waters, and any other source of contamination.

## Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield, as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield, provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded. Based on available information, the proposed single-family residence or duplex served by a septic tank would not exceed the maximum allowable sewage loading for the subject property.

## Stormwater Management

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat, or Miami-Dade Public Works Department approval of paving and drainage plans. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the Level of Service (LOS) standards for flood protection set forth in the Comprehensive Development Master Plan (CDMP), subject to compliance with the conditions required by DERM for this proposed development order.

#### Wetlands

The subject property does not contain jurisdictional wetlands, as defined in Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045), may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

#### Tree Preservation

The subject property may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

#### Enforcement History

DERM has found no open or closed enforcement record for the subject property.

#### Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency, subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

cc: Lynne Talleda, Zoning Evaluation - P&Z  
Ron Connally, Zoning Hearings - P&Z  
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: MAURO E. VARENA

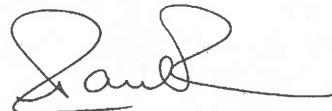
This Department has no objections to this application.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 5 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9208	Krome Ave. s/o SW 184 Ave.	A	A
9902	SW 216 St. e/o Krome Ave.	C	C
9210	Krome Ave. s/o SW 216 St.	A	A

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A Pino, P.L.S.

19-JUL-07



# Miami-Dade County Public Schools

*giving our students the world*

**Superintendent of Schools**

Rudolph F. Crew, Ed.D.

**Temporary Chief Facilities Officer**

Jaime G. Torrens

**Planning Officer**

Ana Rijo-Conde, AICP

October 8, 2007

**Received by  
Zoning Agenda Coordinator**

**OCT 17 2007**

**Miami-Dade County School Board**

Agustin J. Barrera, Chair

Dr. Martin Karp, Vice Chair

Renier Diaz de la Portilla

Evelyn Langlieb Greer

Perla Tabares Hantman

Dr. Robert B. Ingram

Ana Rivas Logan

Dr. Marta Pérez

Dr. Solomon C. Stinson

Ms. Maria Teresa-Fojo,  
Acting Assistant Zoning Director  
Miami-Dade County  
Department of Planning and Zoning  
Zoning Evaluation Section  
111 NW 1 Street, Suite 1110  
Miami, Florida 33128

**Re: No. 07-162, Mauro E. Varena  
18475 SW 216 Street**

**RECEIVED**  
OCT 12 2007  
ZONING SERVICES DIVISION  
DEPT. OF PLANNING & ZONING  
BY \_\_\_\_\_

**Received by  
Zoning Agenda Coordinator**

**OCT 17 2007**

Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's (District) review analysis of potential impact generated by the above referenced application. Please note that two of the impacted school facilities, Redland Elementary School and South Dade Senior High School, meet the referenced review threshold (please see analysis).

Additionally, at its April 13, 2005 meeting, the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal and the recently approved Review Criteria, the District met with the applicant on July 11, 2007, to discuss the impact of the proposed development on public schools. **The District is grateful that the applicant took the time to discuss with the School District possible mitigation options outlined in the Review Criteria that may accommodate new students generated by the proposed application.**

As such, the applicant has voluntarily proffered to the School Board a monetary donation, over and above impact fees. The payment of the required educational impact fees for this proposed development and the proffered monetary donation will provide the full capital cost of student stations for the additional students generated by the proposed development. Please be advised that such a proffer by the applicant is subject to School Board approval at an upcoming meeting.

Ms. Maria Teresa Fojo  
October 8, 2007  
Page Two

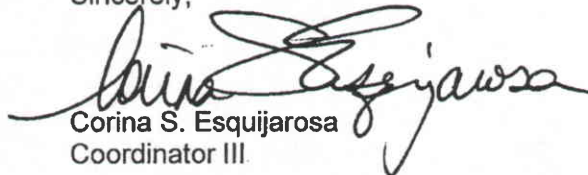
Pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

New residential unit square footage X .90 (Square Footage Fee) + \$600.00 (Base Fee) + 2% administrative fee = Educational Facilities Impact fee

As an example, assuming the proposed unit is 2,000 square feet, the additional 4 units are estimated to generate approximately \$9,600 (\$2,400 per unit, excluding the 2% administration fee) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,

  
Corina S. Esquijarosa  
Coordinator III

CSE:rr  
L-193  
Attachment

cc: Ms. Ana Rijo-Conde  
Mr. Fernando Albuerne  
Mr. Michael A. Levine  
Mr. Ivan M. Rodriguez  
Ms. Vivian Villaamil

## **SCHOOL IMPACT REVIEW ANALYSIS**

**APPLICATION:** Mauro E. Varena, No. 07-162

**REQUEST:** Zone change from AU and EU-1 to EU-1

**ACRES:** 5.13 acres

**LOCATION:** 18475 SW 216 Street

**MSA/MULTIPLIER:** 7.2/.67

**NUMBER OF  
UNITS:** 4 additional units (1 unit currently permitted under existing zoning  
classification, for a total of 5 units)

**ESTIMATED  
STUDENT  
POPULATION:** 3 additional students\*

**ELEMENTARY:** 1

**MIDDLE:** 1

**SENIOR:** 1

### **SCHOOLS SERVING AREA OF APPLICATION:**

**ELEMENTARY:** Redland Elementary – 24501 SW 162 Avenue

**MIDDLE:** Redland Middle – 16001 SW 248 Street

**SENIOR HIGH:** South Dade Senior -28401 SW 167 Avenue

All schools are located in Regional Center VI.

\* Based on Census 2000 information provided by the Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology, as of October 2006:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE	CUMMULATIVE STUDENTS
Redland Elementary	1,103	903	122%	0	122%	1,166
	1,104 *		122%		122%	
Redland Middle	1,449	1,230	118%	79	111%	1,499
	1,450 *		118%		111%	
South Dade Senior	2,694	1,721	157%	404	127%	2,890
	2,695 *		157%		127%	

\* Student population increase as a result of the proposed development

\*\* Estimated number of students (cumulative) based on zoning/land use log (2001-present) and assuming all approved developments are built; also assumes none of the prior cumulative students are figured in current population.

Note:

1. Figures above reflect the impact of the class size amendment.
2. Pursuant to the Interlocal Agreement, the impacted elementary and senior high schools meet the review threshold.

#### PLANNED RELIEF SCHOOLS IN THE AREA

(Information included in proposed 5-Year Capital Plan, 2006-2010, dated July 2006):

##### Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
State School "CC1" K-8 Center (Pine Villa and Naranja Elementary/ Mays, Centennial and Redland Middle Schools Relief) (1,624 student stations)	Construction	School Opening 2008
State School "CCC1" South Dade Senior Replacement (3,641 student stations)	Construction	School Opening 2008

Estimated Permanent Senior Seats (Current and Proposed in 5-Year Plan) 3,641

Note: Some of the proposed schools will add relief to more than one school and new seats will be assigned based on projected need.

**OPERATING COSTS:** According to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$19,647.

**CAPITAL COSTS:** Based on the State's June 2007 student station cost factors\*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	1	x	18,513	=	\$18,513
MIDDLE	DOES NOT MEET THRESHOLD				
SENIOR HIGH	1	x	25,968	=	\$25,968
<b>Total Potential Capital Cost</b>					<b>\$44,481</b>

\* Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.

PETITION OF APPEAL FROM DECISION OF  
MIAMI-DADE COUNTY COMMUNITY ZONING APPEALS BOARD  
TO THE BOARD OF COUNTY COMMISSIONERS

CHECKED BY CAL AMOUNT OF FEE 1,045.29

RECEIPT # J200724151

DATE HEARD: 10/16/07

BY CZAB # 143207

207-162  
**RECEIVED**  
NOV 01 2007

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
DATE RECEIVED STAMP  
BY CAL

\*\*\*\*\*

This Appeal Form must be completed in accordance with the "Instruction for Filing an Appeal" and in accordance with Chapter 33 of the Code of Miami-Dade County, Florida, and return must be made to the Department on or before the Deadline Date prescribed for the Appeal.

RE: Hearing No. 2007162

Filed in the name of (Applicant) MAURO E. VARENA

Name of Appellant, if other than applicant \_\_\_\_\_

Address/Location of APPELLANT'S property: 18475 SW 216 ST  
MIAMI FL 33170

Application, or part of Application being Appealed (Explanation):

Appellant (name): MAURO VARENA

hereby appeals the decision of the Miami-Dade County Community Zoning Appeals Board with reference to the above subject matter, and in accordance with the provisions contained in Chapter 33 of the Code of Miami-Dade County, Florida, hereby makes application to the Board of County Commissioners for review of said decision. The grounds and reasons supporting the reversal of the ruling of the Community Zoning Appeals Board are as follows:  
(State in brief and concise language)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPELLANT'S AFFIDAVIT OF STANDING  
(must be signed by each Appellant)

RECEIVED  
207-162  
NOV 01 2007

STATE OF FLORIDA  
COUNTY OF DADE

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.  
BY W

Before me the undersigned authority, personally appeared MAURO VARELA  
(Appellant) who was sworn and says that the Appellant has standing to file the attached appeal  
of a Community Zoning Appeals Board decision.

The Appellant further states that they have standing by virtue of being of record in Community  
Zoning Appeals Board matter because of the following:

(Check all that apply)

- ☐ 1. Participation at the hearing  
☒ 2. Original Applicant  
☐ 3. Written objections, waivers or consent

Appellant further states they understand the meaning of an oath and the penalties for perjury,  
and that under penalties of perjury, Affiant declares that the facts stated herein are true.

Further Appellant says not.

Witnesses:

Nelso Varela  
Signature

NELSO VARELA  
Print Name

Mauro Varela  
Appellant's signature

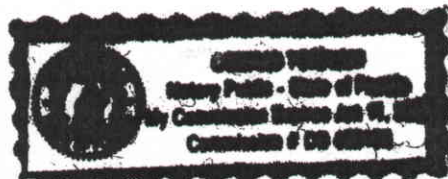
MAURO VARELA  
Print Name

Patricio Martinelli  
Signature

PATRICIO MARTINELLI  
Print Name

Sworn to and subscribed before me on the 30 day of OCTOBER, year 2007

Appellant is personally know to me or has produced PERSONALLY KNOW as  
identification.



Mauro Varela  
Notary  
(Stamp/Seal)

Commission Expires:

RECEIVED  
207-162  
NOV 01 2007

ZONING HEARINGS SECTION  
MIAMI-DADE PLANNING AND ZONING DEPT.

APPELLANT MUST SIGN THIS PAGE

Date: 27 day of OCTOBER, year: 2007

BY W

Signed

MAURO VARENA

Print Name

6606 SW 131 PATH 1809A  
MIAMI FL Mailing Address 33183

305-244-0231

Phone

305-5926244

Fax

REPRESENTATIVE'S AFFIDAVIT

If you are filing as representative of an association or other entity, so indicate:

MAURO VARENA

Representing

[Signature]

Signature

PHILIP D. PRUIZ

Print Name

240 PALM AVE. SUITE 114

Address

FLA.

City

FL.

State

33010

Zip

305-505-1975

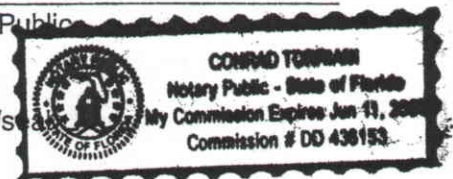
Telephone Number

Subscribed and Sworn to before me on the 27 day of OCTOBER, year 2007

[Signature]

Notary Public

(stamp/seal)



Commission expires:

6/11/08

**RESOLUTION NO. CZAB14-32-07**

*WHEREAS*, **MAURO E. VARENA** applied for the following:

- (1) AU and EU-1 to EU-1
- (2) To permit proposed Lots 2 - 4; each with a lot depth of 167.05' (200' required in the EU-1 zone).

OR IN THE ALTERNATIVE TO REQUESTS #1 AND #2, THE FOLLOWING:

- (3) To permit proposed Lot 1 with a lot area of 1.1 gross acres, and to permit proposed Lots 2 - 4 each with a lot area of 1.006 gross acres (5 gross acres required for each).
- (4) To permit proposed Lots 1-4 each with a lot depth of 167.05' (200' required for each)

Upon demonstration that the applicable standards have been satisfied, approval of request #2 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Proposed Site Plan 18475 S.W. 216 Street, Miami, Florida 33170," as prepared by Vicente Franco, dated stamped received 7/13/07 and consisting of 1 page.

**SUBJECT PROPERTY:** The east ½ of the west ½ of the east ½ of the SW ¼ of the SW ¼ of Section 12, Township 56 South, Range 38 East.

**LOCATION:** 18475 S.W. 216 Street, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 14 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and

*WHEREAS*, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested district boundary change to EU-1 (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and that the requests to permit proposed Lots 2 - 4; each with a lot depth of 167.05' (Item #2), to permit proposed Lot 1 with a lot area of 1.1 gross acres, and to permit proposed Lots 2 - 4 each with a lot area of 1.006 gross acres

(Item #3), and to permit proposed Lots 1-4 each with a lot depth of 167.05' (Item #4) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

*WHEREAS*, a motion to deny the entire application with prejudice was offered by Dr. Pat Wade, seconded by Dawn Lee Blakeslee, and upon a poll of the members present the vote was as follows:

Wilbur B. Bell	nay	Gary J. Dufek	aye
Dawn Lee Blakeslee	aye	Dr. Pat Wade	aye
Curtis Lawrence			aye

*NOW THEREFORE BE IT RESOLVED* by the Miami-Dade County Community Zoning Appeals Board 14, that the requested district boundary change to EU-1 (Item #1), be and the same is hereby denied with prejudice.

*BE IT FURTHER RESOLVED* that the that the requests to permit proposed Lots 2 - 4; each with a lot depth of 167.05' (Item #2), to permit proposed Lot 1 with a lot area of 1.1 gross acres, and to permit proposed Lots 2 - 4 each with a lot area of 1.006 gross acres (Item #3), and to permit proposed Lots 1-4 each with a lot depth of 167.05' (Item #4) be and the same are hereby denied with prejudice.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

*PASSED AND ADOPTED* this 16<sup>th</sup> day of October, 2007.

Hearing No. 07-10-CZ14-4  
ls

**STATE OF FLORIDA**

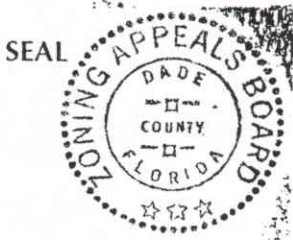
**COUNTY OF MIAMI-DADE**

I, Luis Salvat, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 14, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB14-32-07 adopted by said Community Zoning Appeals Board at its meeting held on the 16<sup>th</sup> day of October 2007.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 22<sup>nd</sup> day of October 2007.



Luis Salvat, Deputy Clerk (2678)  
Miami-Dade County Department of Planning and Zoning



# Memorandum



**Date:** 23-JUL-07

**To:** Subrata Basu, Interim Director  
Department of Planning and Zoning

**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue Department

**Subject:** Z2007000162

## Fire Prevention Unit:

This Memo supersedes MDFR Memorandum dated May 23, 2007.

### APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped July 13, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the MDFR Access Road Requirements for zoning hearing applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDFR requirements.

## Service Impact/Demand:

Development for the above Z2007000162  
located at 18475 S.W. 216 STREET, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 2279 is proposed as the following:

5	dwelling units	N/A	square feet
residential		industrial	
N/A	square feet	N/A	square feet
Office		institutional	
N/A	square feet	N/A	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 1.44 alarms-annually.  
The estimated average travel time is: 8:06 minutes

## Existing services:

The Fire station responding to an alarm in the proposed development will be:

Station 60 - Redland - 17605 SW 248 Street  
ALS Tanker

## Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

## Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped July 13, 2007. Substantial changes to the plans will require additional service impact analysis.

DATE: 09/18/07

REVISION 2

# TEAM METRO

## ENFORCEMENT HISTORY

MAURO E. VARENA

18475 S.W. 216 STREET, MIAMI-  
DADE COUNTY, FLORIDA.

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APPLICANT

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ADDRESS

Z2007000162

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HEARING NUMBER

### CURRENT ENFORCEMENT HISTORY:

Current case history;

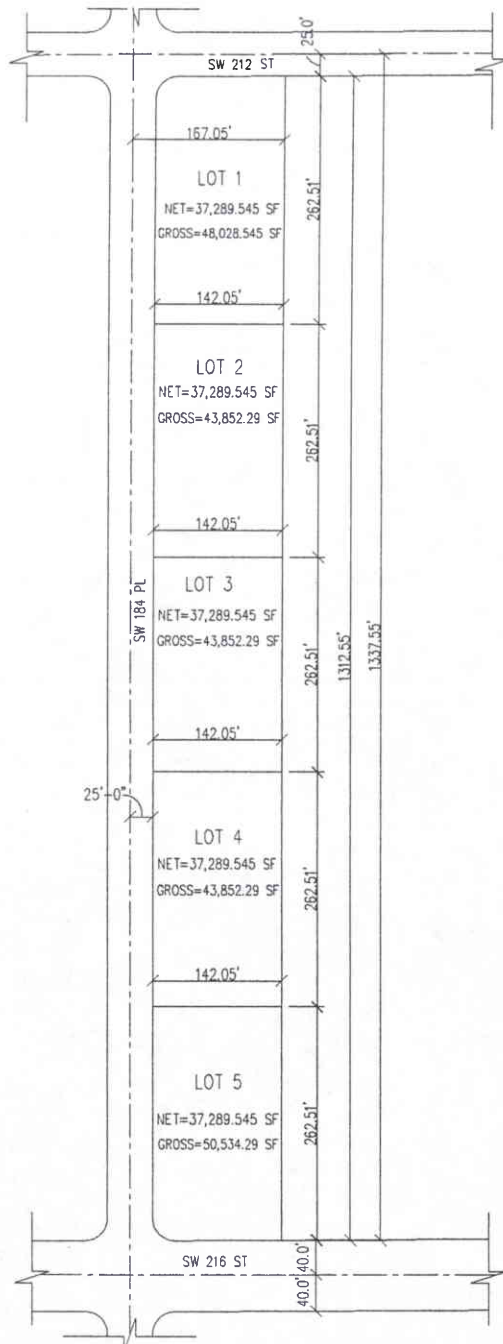
Case 200701005516 was opened based on enforcement history request and inspected on 9-6-07.

No violations were observed and case was closed.

Previous Case history;

Case 200701004683 was opened based on enforcement history request and inspected on 7-12-07  
and no violations were observed.

RECEIVED  
MANALAPAN COUNTY  
ENGINEERING DEPT.  
JAN 28 2015 10:51 AM  
BY: T. HARRIS



PROPOSED SITE PLAN  
PATRICIO MARTINEZ 1717 N BAYSHORE DR # 1641  
MIAMI FL 33132 (305) 244 33 74

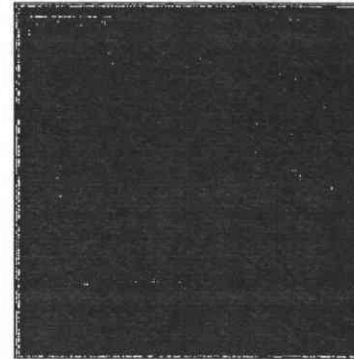
1/8" = 1'-0"

### SITE SUMMARY

FOLIO NUMBER:	30-5812-000-0320
PROPERTY ADDRESS:	18475 SW 216 STREET, MIAMI, FL 33170
ZONING:	AU AND EU-1, APPLYING FOR EU-1
LEGAL DESCRIPTION:	EAST 1/2 OF THE WEST 1/2 OF THE SW 1/4 OF THE SW 1/4, SECTION 12 TOWNSHIP 56 RANGE 38, DADE COUNTY
LOT AREA:	GROSS: 223,438 SF (5.13 ACRES)

### LOT BREAKDOWN:

LOT 1:	142.05' X 262.51'
LOT AREA:	NET = 37,289.545 SF GROSS = 48,028.545 SF
LOT 2:	142.05' X 262.51'
LOT AREA:	NET = 37,289.545 SF GROSS = 43,852.29 SF
LOT 3:	142.05' X 260.51'
LOT AREA:	NET = 37,289.545 SF GROSS = 43,852.29 SF
LOT 4:	142.05' X 260.51'
LOT AREA:	NET = 37,289.545 SF GROSS = 43,852.29 SF
LOT 5:	142.05' X 262.51'
LOT AREA:	NET = 37,289.545 SF GROSS = 50,534.29 SF



LOCATION MAP

N.T.S.

ARCHITECTURAL  
STRUCTURAL  
VICENTE FRANCO  
L.L.C. No. 00001  
State of Florida  
18775 SW 216 ST. 33170  
TEL: 305-488-0001  
FAX: 305-488-0002  
VICENTE FRANCO, INC.  
FOR ARCHITECT

DEAL:

CONSULTANT  
VICENTE FRANCO  
L.L.C. No. 00001  
State of Florida

OWNER:  
FEDERAL GOVERNMENT  
OFFICE OF THE SECRETARY OF DEFENSE  
Pentagon  
Washington, D.C. 20301-4000

PROPOSED SITE PLAN  
18475 SW 216 ST. MIAMI FL, 33170

DATE:

REVISIONS:

PROJECT No.

DRAWN BY:

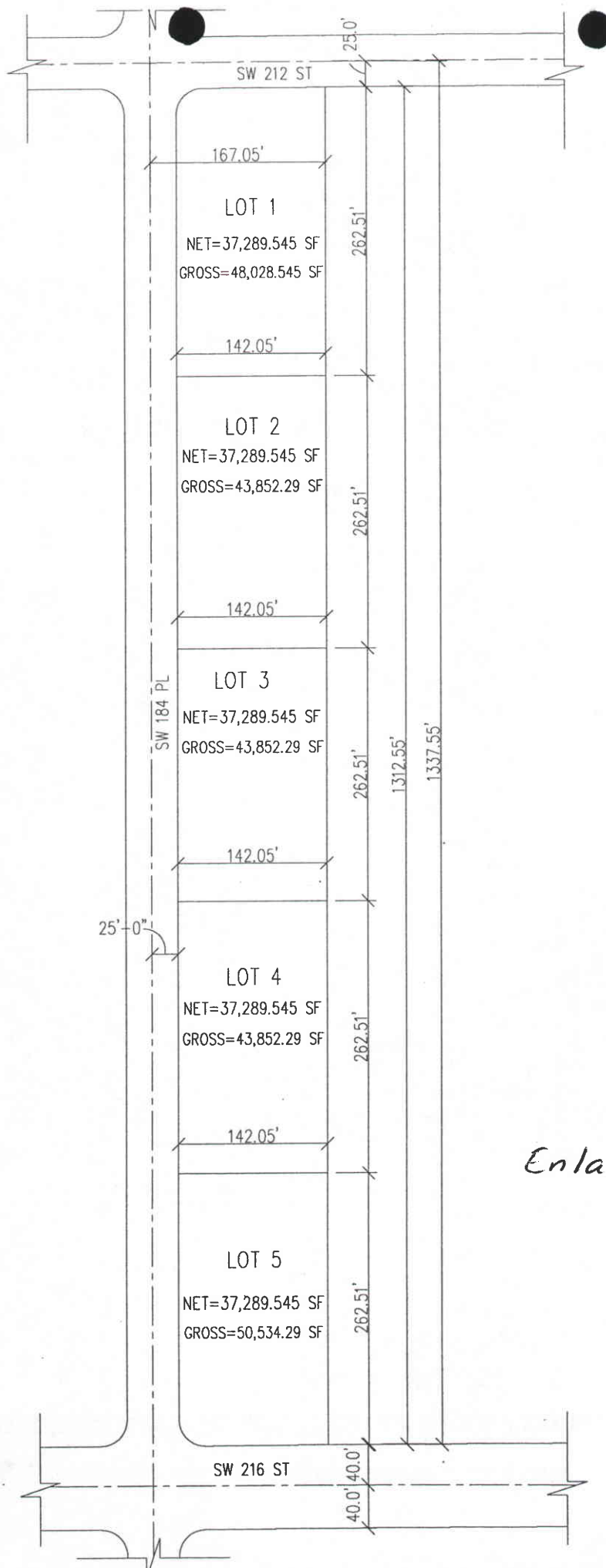
CHECKED BY:

SCALE:

AS SHOWN

SHEET No.

1  
OF  
1



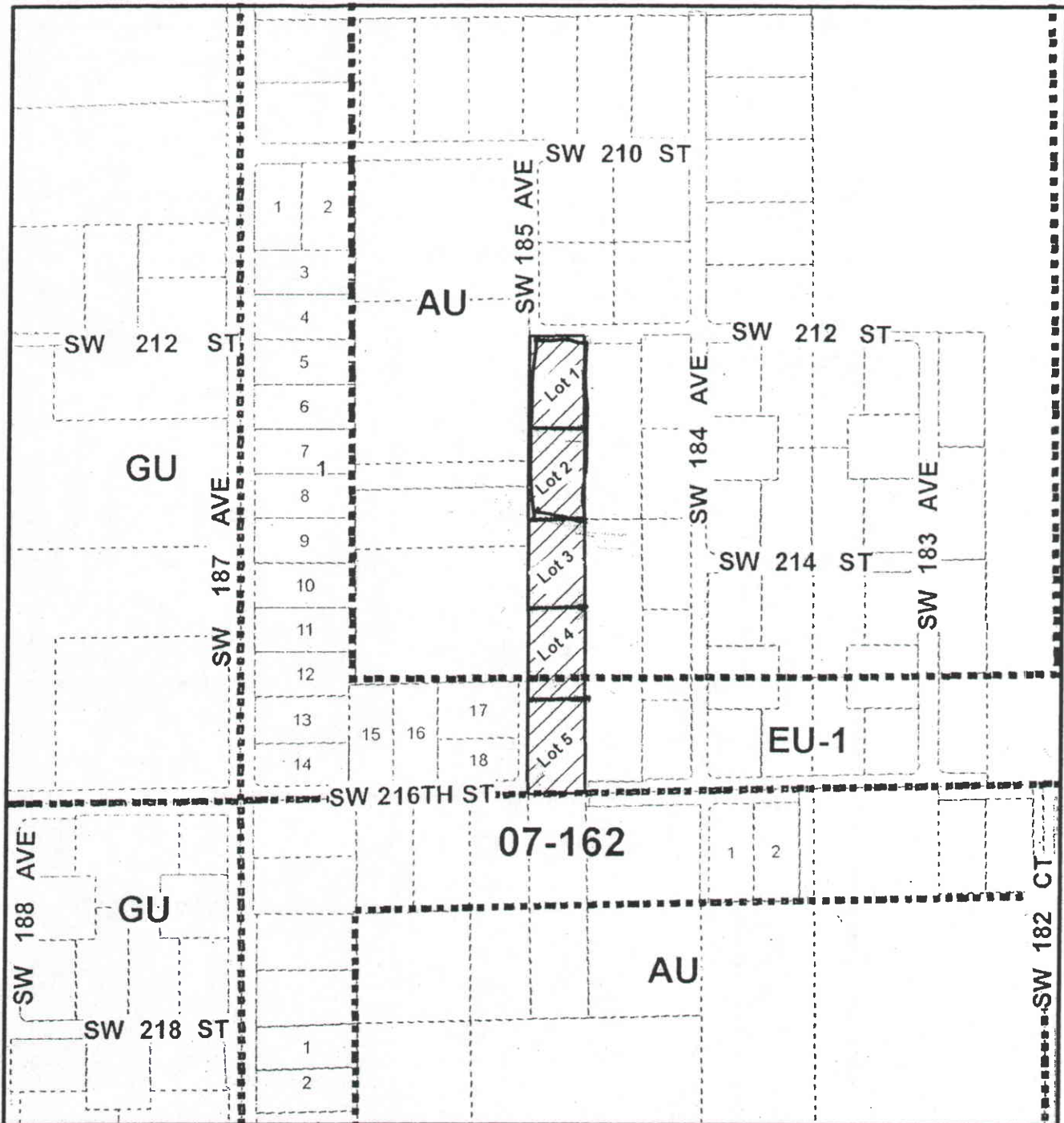
*Enlargement site*

RECEIVED  
MIAMI-DADE COUNTY  
PLANNING & ZONING  
DATE: JUL 13 2007  
BY: VALDEY

# PROPOSED SITE PLAN

PATRICIO MARTINELLI 1717 N BAYSHORE DR # 1641  
MIAMI FL. 33132 (305) 244 33 74

# PROPOSED LOTS 1-5



## MIAMI-DADE COUNTY HEARING MAP

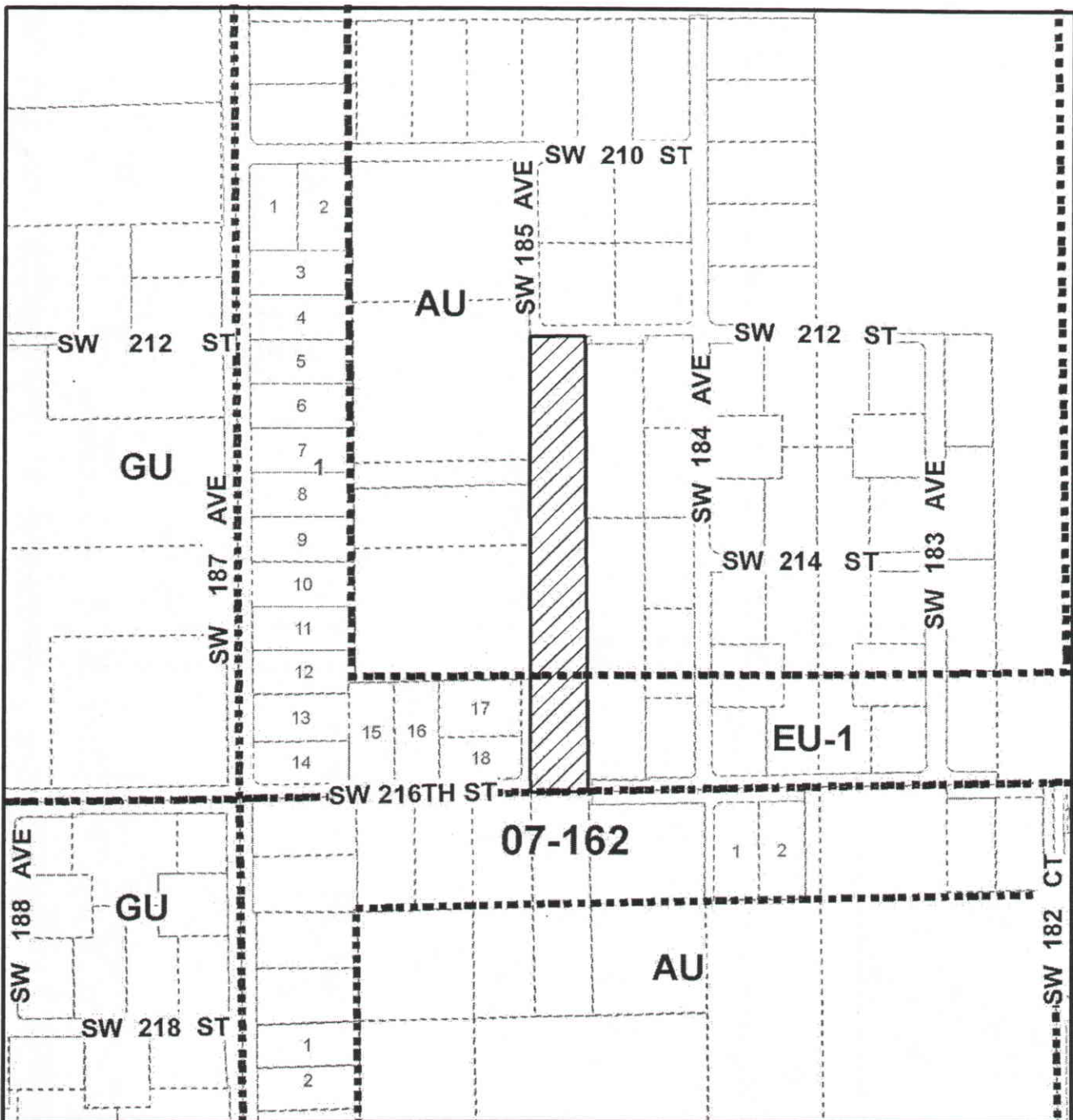
Section: 12 Township: 56 Range: 38  
 Process Number: 07-162  
 Applicant: MAURO E. VARENA  
 Zoning Board: C14  
 District Number: 9  
 Cadastral: JEFFER  
 Scale: NTS

S C A L E  
 0 NTS N

 SUBJECT PROPERTY



GEOMATICS 07-162 05/24/07  
 REVISION PTXA LAYER 08/16/07



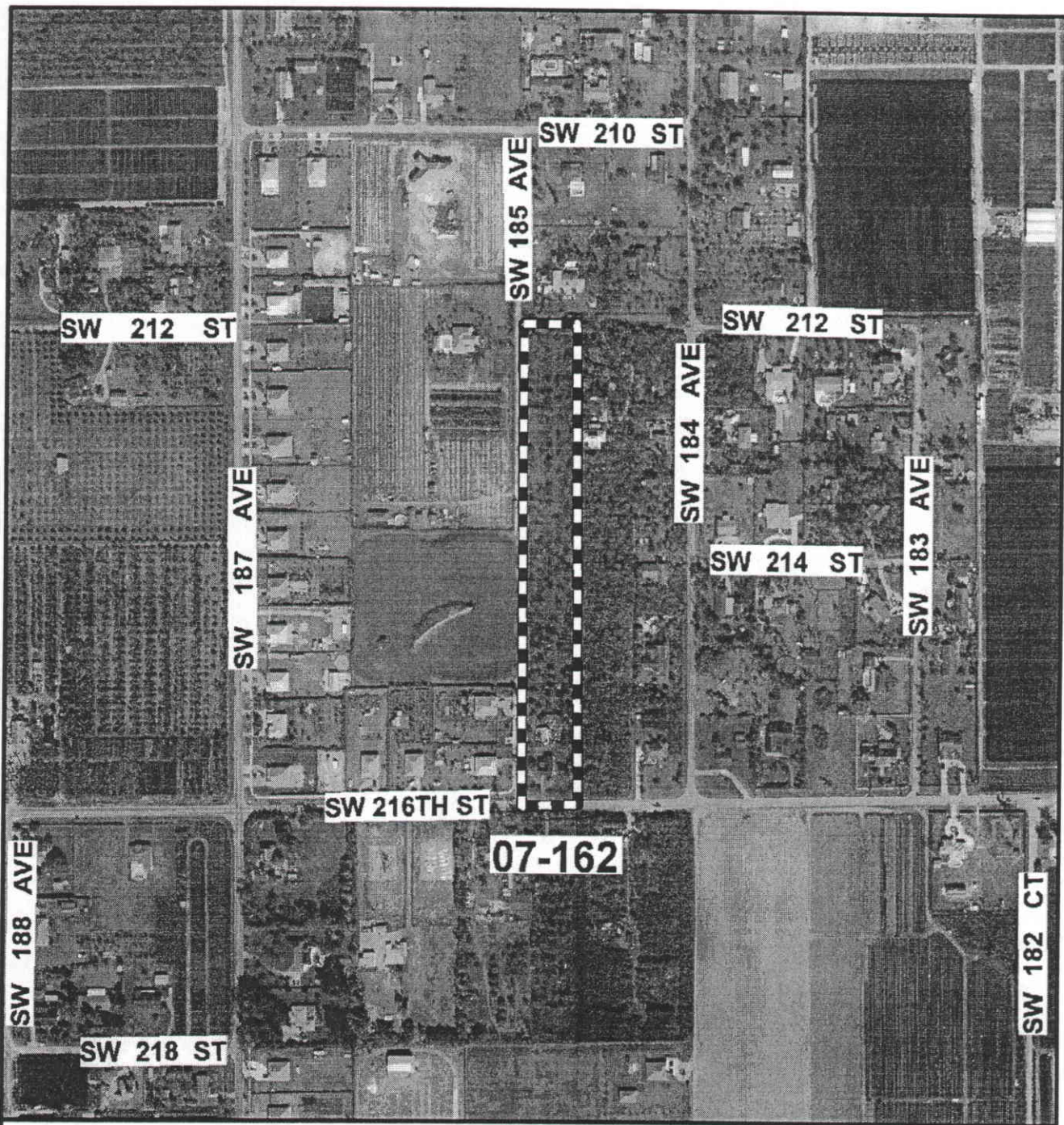
**MIAMI-DADE COUNTY  
HEARING MAP**

Section: 12 Township: 56 Range: 38  
 Process Number: 07-162  
 Applicant: MAURO E. VARENA  
 Zoning Board: C14  
 District Number: 9  
 Cadastral: JEFFER  
 Scale: NTS

S C A L E  
 0 NTS N

 SUBJECT PROPERTY





MIAMI-DADE COUNTY  
**AERIAL**

Section: 12 Township: 56 Range: 38  
Process Number: 07-162  
Applicant: MAURO E. VARENA  
Zoning Board: C14  
District Number: 9  
Cadastral: JEFFER  
Scale: NTS

S C A L E  
0 NTS N



SUBJECT PROPERTY



**4. MAURO E. VARENA**  
**(Applicant)**

**07-10-CZ14-4 (07-162)**  
**Area 14/District 9**  
**Hearing Date: 10/16/07**

Property Owner (if different from applicant) Same.

Is there an option to purchase ☐ /lease ☐ the property predicated on the approval of the zoning request? Yes ☐ No ☒

Disclosure of interest form attached? Yes ☐ No ☒

**Previous Zoning Hearings on the Property:**

<u>Year</u>	<u>Applicant</u>	<u>Request</u>	<u>Board</u>	<u>Decision</u>
1947	Dade County Zoning Department	Regulations to Apply to EU-1 districts.	BCC	Approved
1948	Dade County Zoning Department	Zone change from AU and EU-1B to EU-1.	BCC	Approved
1951	Co. Zoning Department	- Increase minimum lot width. - Zone change from EU-1A and EU-1E to EU-1.	BCC	Approved

Action taken today does not constitute a final development order, and one or more concurrency determinations will subsequently be required. Provisional determinations or listings of needed facilities made in association with this Initial Development Order shall not be binding with regard to future decisions to approve or deny an Intermediate or Final Development Order on any grounds.

**MIAMI-DADE COUNTY DEPARTMENT OF PLANNING AND ZONING  
RECOMMENDATION TO COMMUNITY COUNCIL No. 14**

**APPLICANT:** Mauro E. Varena

**PH:** Z07-162 (07-10-CZ14-4)

**SECTION:** 12-56-38

**DATE:** October 16, 2007

**COMMISSION DISTRICT:** 9

**ITEM NO.:** 4

**A. INTRODUCTION**

o **REQUESTS:**

- (1) AU and EU-1 to EU-1
- (2) Applicant is requesting to permit proposed Lots 2 - 4 each with a lot depth of 167.05' (200' required in EU-1 zone).

**OR IN THE ALTERNATIVE TO REQUESTS 1 & 2:**

- (3) Applicant is requesting to permit proposed Lot 1 with a lot area of 1.1 gross acres, to permit proposed Lots 2 - 4 each with a lot area of 1.006 gross acres (5 gross acres required in AU zone).
- (4) Applicant is requesting to permit proposed Lot 1 with a lot frontage of 167.05' (200' required in AU zone).

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 through #4 may be considered under §33-311(A)(14) (Alternative Site Development Option for Single-Family and Duplex Dwelling Units) or under §33-311(A)(4)(b) (Non-Use Variance) or §33-311(A)(4)(c) (Alternative Non-Use Variance).

Plans are on file and may be examined in the Zoning Department entitled "Proposed Site Plan 18475 S.W. 216 Street, Miami, Florida 33170," as prepared by Vicente Franco, dated stamped received 7/13/07 and consisting of 1 page. Plans may be modified at public hearing.

- o **SUMMARY OF REQUESTS:** The applicant is requesting a zone change on the subject property from AU, Agricultural District, and EU-1, Single-Family One Acre Estate Residential District, to EU-1, and to permit 3 lots with less depth than required; or in the alternative to permit 4 lots with less lot area and 1 lot with less lot frontage than required.
- o **LOCATION:** 18475 SW 216 Street, Miami-Dade County, Florida.
- o **SIZE:** 5.28 gross acres
- o **IMPACT:** Approval of the application in either of the alternative versions would allow the applicant to subdivide the property and provide additional housing units to the community. The rezoning of the property, and the consequent subdivision of the land, will eliminate approximately 4.12 gross acres of agriculturally (AU) zoned land in Miami-Dade County, will increase the population in the area, may impact the water and sewer services, will add children to the area schools and will increase traffic in the area.

**B. ZONING HEARINGS HISTORY:** In 1951, the subject property was part of a larger application, which abolished the EU-1b, Single-Family Estate One Acre or More Residential District, zone classification and rezoned all said land to EU-1, pursuant to Resolution No. 4257. Prior to this, in 1948, the southern 330' of the subject property was part of an application that was rezoned from AU, Agricultural District, to EU-1b, pursuant to Resolution No. 2847.

**C. COMPREHENSIVE DEVELOPMENT MASTER PLAN (CDMP):**

1. **The subject property is located approximately five (5) miles west of and outside of the UDB.** The Adopted 2015 and 2025 Land Use Plan designates the subject property for **Agriculture**. The area designated as "Agriculture" contains the best agricultural land remaining in Miami-Dade County. As stated in the Miami-Dade County Strategic Plan, approved in 2003 by the Board of County Commissioners, protection of viable agriculture is a priority. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packinghouses, and farm residences. Uses ancillary to, and necessary to support the rural residential community of the agricultural area may also be approved, including houses of worship; however, schools shall not be approved in Agriculture areas but should be located inside the UDB in accordance with Policy EDU-2.1.
2. In order to protect the agricultural industry, uses incompatible with agriculture, and uses and facilities that support or encourage urban development are not allowed in this area. Residential development that occurs in this area is allowed at a **density of no more than one unit per five acres**. Creation of new parcels smaller than five acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on **three or more contiguous sides** is predominately and lawfully parcelized in a similar manner, and if a division of the subject parcel would not precipitate additional land division in the area.
3. **Uses and Zoning Not Specifically Depicted.** Existing lawful residential and non-residential uses and zoning are not specifically depicted on the LUP map. They are however reflected in the average Plan density depicted. All such lawful uses and zoning are deemed to be consistent with this Plan as provided in the section of this chapter titled "Concepts and Limitations of the Land Use Plan Map." The limitations referenced in this paragraph pertain to existing zoning and uses. All approval of new zoning must be consistent with the provisions of the specific category in which the subject parcel exists, including the provisions for density averaging and definition of gross density.
4. **Urban Development Boundary.** The Urban Development Boundary (UDB) is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. Development orders permitting urban development will generally be approved within the UDB at some time through the year 2015 provided that level-of-service standards for necessary public facilities will be met. Adequate countywide development capacity will be maintained within the UDB by increasing development densities or intensities inside the UDB, or by expanding the UDB, when the need for such change is determined to be necessary through the Plan review and amendment process.

**D. NEIGHBORHOOD CHARACTERISTICS:**

ZONING

LAND USE PLAN DESIGNATION

**Subject Property:** 5.28 gross acres

AU (4.02 gross / 3.424 net acres); Vacant

Agriculture

EU-1 (1.26 gross / 0.945 net acres); Single-family residence

**Surrounding Properties:**

<b><u>NORTH:</u></b>	AU; Single-family residence	Agriculture
<b><u>SOUTH:</u></b>	EU-1; Single-family residence	Agriculture
<b><u>EAST:</u></b>	AU; Rural single-family residence EU-1; Vacant	Agriculture
<b><u>WEST:</u></b>	AU; Rural single-family residence and Grove EU-1; Single-family residences	Agriculture

The 5.28-gross acre subject property is a long rectangular lot, oriented along the north-south axis, located on the north side of SW 216 Street at 18475 SW 216 Street and extending to SW 212 Street. The area surrounding the subject property is characterized as rural, established with single-family residences and agricultural uses. An existing one-story, single-family residence is currently located on the southernmost portion of the parcel fronting on SW 216 Street, but it is the intent of the applicant to raze the structure to accommodate the proposed development. The site is located approximately 5 miles west of and outside of the Urban Development Boundary (UDB), which is at the intersection of SW 135 Avenue and SW 216 Street.

**E. SITE AND BUILDINGS:**

<b>Site Plan Review:</b>	(Subdivision plan submitted.)
Scale/Utilization of Site:	<b>Unacceptable</b>
Location of Buildings:	<b>N/A</b>
Compatibility:	<b>Unacceptable</b>
Landscape Treatment:	<b>N/A</b>
Open Space:	<b>N/A</b>
Buffering:	<b>N/A</b>
Access:	<b>Acceptable</b>
Parking Layout/Circulation:	<b>N/A</b>
Urban Design:	<b>N/A</b>

**F. PERTINENT REQUIREMENTS/STANDARDS:**

In evaluating an application for a **district boundary change**, Section 33-311 provides that the Board shall take into consideration, among other factors, the extent to which:

- (1) The development permitted by the application, if granted, conforms to the Comprehensive Development Master Plan for Miami-Dade County, Florida; is consistent with applicable area or neighborhood studies or plans, and would serve a public benefit warranting the granting of the application at the time it is considered;
- (2) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the environmental and natural resources of Miami-Dade County, including consideration of the means and estimated cost necessary to minimize the adverse impacts; the extent to which alternatives to alleviate adverse impacts may have a substantial impact on the natural and human environment; and whether any irreversible or irretrievable commitment of natural resources will occur as a result of the proposed development;

- (3) The development permitted by the application, if granted, will have a favorable or unfavorable impact on the economy of Miami-Dade County, Florida;
- (4) The development permitted by the application, if granted, will efficiently use or unduly burden water, sewer, solid waste disposal, recreation, education or other necessary public facilities which have been constructed or planned and budgeted for construction;
- (5) The development permitted by the application, if granted, will efficiently use or unduly burden or affect public transportation facilities, including mass transit, roads, streets and highways which have been constructed or planned and budgeted for construction, and if the development is or will be accessible by public or private roads, streets or highways.

**Section 33-311(A)(14) Alternative Site Development Option for Single-Family and Duplex Dwellings.**

The following standards are alternatives to the generalized standards contained in zoning regulations governing specified zoning districts:

- (d) The **lot area, frontage, or depth** for a single family or duplex dwelling shall be approved upon demonstration of at least one of the following:
  - 1. the proposed lot area, frontage or depth will permit the development or redevelopment of a single family or duplex dwelling on a parcel of land where such dwelling would not otherwise be permitted by the underlying district regulations due to the size or configuration of the parcel proposed for alternative development, provided that:
    - A. the parcel is under lawful separate ownership from any contiguous property and is not otherwise grandfathered for single family or duplex use; and
    - B. the proposed alternative development will not result in the further subdivision of land; and
    - C. the size and dimensions of the lot are sufficient to provide all setbacks required by the underlying district regulations; and
    - D. the lot area is not less than ninety percent (90%) of the minimum lot area required by the underlying district regulations; and
    - E. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
    - F. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
    - G. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
  - 2. the proposed alternative development will result in open space, community design, amenities or preservation of natural resources that enhances the function or aesthetic

character of the immediate vicinity in a manner not otherwise achievable through application of the underlying district regulations, provided that:

- A. the density of the proposed alternative development does not exceed that permitted by the underlying district regulations; and
  - B. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations, or, if applicable, any prior zoning actions or administrative decisions issued prior to the effective date of this ordinance (August 2, 2002); and
  - C. each lot's area is not less than eighty percent (80%) of the lot area required by the underlying district regulations; and
  - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
  - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
  - F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
3. the proposed lot area, frontage or depth is such that:
- A. the proposed alternative development will not result in the creation of more than three (3) lots; and
  - B. the size and dimensions of each lot are sufficient to provide all setbacks required by the underlying district regulations; and
  - C. no lot area shall be less than the smaller of:
    - i. ninety percent (90%) of the lot area required by the underlying district regulations; or
    - ii. the average area of the developed lots in the immediate vicinity within the same zoning district; and
  - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the immediate vicinity; and
  - E. the parcel proposed for alternative development is not zoned AU or GU, nor is it designated agricultural or open land under the Comprehensive Development Master Plan; and
  - F. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
4. If the proposed alternative development involves the creation of new parcels of smaller than five (5) gross acres in an area designated **agricultural** in the Comprehensive Development Master Plan:

- A. the abutting parcels are predominately parcelized in a manner similar to the proposed alternative development on three (3) or more sides of the parcel proposed for alternative development; and
  - B. the division of the parcel proposed for alternative development will not precipitate additional land division in the area; [and]
  - C. the size and dimensions of each lot in the proposed alternative development are sufficient to provide all setbacks required by the underlying district regulations; and
  - D. the proposed alternative development will not result in an obvious departure from the aesthetic character of the surrounding area defined by the closest natural and man-made boundaries lying with[in] the agricultural designation; and
  - E. sufficient frontage shall be maintained to permit vehicular access to all resulting lots.
- (g) Notwithstanding the foregoing, no proposed alternative development shall be approved upon demonstration that the proposed alternative development:
- 1. will result in a significant diminution of the value of property in the immediate vicinity; or
  - 2. will have substantial negative impact on public safety due to unsafe automobile movements, heightened vehicular-pedestrian conflicts, or heightened risk of fire; or
  - 3. will result in a materially greater adverse impact on public services and facilities than the impact that would result from development of the same parcel pursuant to the underlying district regulations; or
  - 4. will combine severable use rights obtained pursuant to Chapter 33B of this code in conjunction with the approval sought hereunder so as to exceed the limitations imposed by section 33B-45 of this code.
- (h) Proposed alternative development under this subsection shall provide additional amenities or buffering to mitigate the impacts of the development as approved, where the amenities or buffering expressly required by this subsection are insufficient to mitigate the impacts of the development. The purpose of the amenities or buffering elements shall be to preserve and protect the quality of life of the residents of the approved development and the immediate vicinity in a manner comparable to that ensured by the underlying district regulations. Examples of such amenities include but are not limited to: active or passive recreational facilities, common open space, additional trees or landscaping, convenient covered bus stops or pick-up areas for transportation services, sidewalks (including improvements, linkages, or additional width), bicycle paths, buffer areas or berms, street furniture, undergrounding of utility lines, and decorative street lighting. In determining which amenities or buffering elements are appropriate for a proposed development, the following shall be considered:
- A. the types of needs of the residents of the parcel proposed for development and the immediate vicinity that would likely be occasioned by the development, including but not limited to recreational, open space, transportation, aesthetic amenities, and buffering from adverse impacts; and

- B. the proportionality between the impacts on residents of the proposed alternative development and the immediate vicinity and the amenities or buffering required. For example, a reduction in lot area for numerous lots may warrant the provision of additional common open space. A reduction in a particular lot's interior side setback may warrant the provision of additional landscaping.

**Section 33-311(A)(4)(b) Non-Use Variances From Other Than Airport Regulations.** Upon appeal or direct application in specific cases, the Board shall hear and grant applications for **non-use variances** from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing by the applicant that the non-use variance maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the non-use variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required.

**Section 33-311(A)(4)(c) Alternative Non-Use Variance Standard.** Upon appeal or direct application in specific cases to hear and grant applications from the terms of the zoning and subdivision regulations for non-use variances for setbacks, minimum lot area, frontage and depth, maximum lot coverage and maximum structure height, the Board (following a public hearing) may grant a non-use variance for these items, upon a showing by the applicant that the variance will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions thereof will result in unnecessary hardship, and so the spirit of the regulations shall be observed and substantial justice done; provided, that the non-use variance will be in harmony with the general purpose and intent of the regulation, and that the same is the minimum non-use variance that will permit the reasonable use of the premises; and further provided, no non-use variance from any airport zoning regulation shall be granted under this subsection.

**G. NEIGHBORHOOD SERVICES:**

DERM	No objection*
Public Works	No objection
Parks	No objection
MDT	No objection
Fire Rescue	No objection
Police	No objection
Schools	3 students

\*Subject to the conditions indicated in their memoranda.

**H. ANALYSIS:**

The 5.28-gross acre subject property is a long rectangular lot, oriented along the north-south axis, located on the north side of SW 216 Street at 18475 SW 216 Street and extending to SW 212 Street. The area surrounding the subject property is characterized as rural, established with single-family residences and agricultural uses. An existing one-story, single-family residence is currently located on the southernmost portion of the parcel fronting on SW 216 Street, which is the portion of the subject property currently zoned EU-1; but it is the intent of the applicant to raze the structure to accommodate the proposed development. The site is located approximately 5 miles west of and outside of the Urban Development Boundary (UDB), which is at the intersection of SW 135 Avenue and SW 216 Street. The south 290' of the property (330' if measured to the centerline of SW 216 Street), which is approximately 1.26 gross / 0.945 net acres in area, is zoned EU-1, Single-Family One Acre Estate Residential District, and the balance of the site is zoned AU, Agricultural District,

approximately 4.02 gross / 3.424 net acres. It is the intent of the applicant to subdivide the site into 5 residential building sites. In doing so, the applicant is requesting a district boundary change from AU and EU-1 to EU-1 (request #1). If rezoned to EU-1, the plans illustrate that 3 of the 5 lots will have less lot depth than required in the EU-1 zone. Therefore, as a companion request to the district boundary change, the applicant also seeks to permit proposed Lots 2 - 4 each with a lot depth of 167.05' where 200' is required (request #2). In the alternative to the district boundary change to EU-1, the applicant is seeking to subdivide the EU-1 and AU zoned properties into 5 parcels, maintaining the same lot layout plan where 4 of the 5 lots (Lots 1 through 4) will maintain their AU zoning and the fifth lot (Lot 5) will retain the EU-1 zoning. Within this alternative, if not rezoned to EU-1, the plans illustrate that 4 of the 5 lots will have less lot area than required and 1 of the lots will have less lot frontage than required in the AU zone. As such, the alternative requests to permit proposed Lot 1 with a lot area of 1.1 gross acres, to permit proposed Lots 2 - 4 each with a lot area of 1.006 gross acres (request #3) and to permit proposed Lot 1 with a lot frontage of 167.05' (request #3) are also sought. Under the AU zoning requirements, 5 gross acres are required for lot area as a building site, along with a required 200' of lot frontage. Staff notes that, as proposed, Lot 5 complies with all of the underlying EU-1 zoning regulations and therefore no variances are sought for that parcel.

Plans submitted by the applicant show the development of the subject site with 5 proposed residential units, three of which, identified as proposed Lot 2, Lot 3 and Lot 4, are configured within the middle of the site fronting on the proposed roadway, SW 184 Place, while the other two, proposed Lot 1 and Lot 5, are configured as corner lots. The plans illustrate Lot 1, which is that parcel located furthest to the north, is situated at the southeast corner of SW 212 Street and proposed SW 184 Place, while proposed Lot 5, which is located furthest to the south, is situated at the northeast corner of SW 216 Street and proposed SW 184 Place. Review of the plans reveal that proposed Lot 1 has a lot frontage of 167.05', a lot depth of 265.51' and a total gross lot area of 1.10 acres; Lot 2, Lot 3, and Lot 4 have lot frontages of 262.51', lot depths of 142.05' and gross lot areas of 1.006 acres; and Lot 5 has a lot frontage of 167.05', a lot depth of 262.51' and a total gross lot area of 1.160 acres. Rural single-family residences and undeveloped parcels of land interspersed with agricultural uses characterize the surrounding area where the subject property lies. Staff is not supportive of the proposed subdivision plan based on inconsistency with the Master Plan and incompatibility with the surrounding area for reasons to be outlined below.

The Department of Environmental Resources Management (**DERM**) has **no objections** to this application and has indicated that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County. However, the applicant will have to comply with all DERM conditions as set forth in their memorandum pertaining to this application, particularly as it applies to the removal and preservation of specimen-sized (18" or greater trunk dimension) tree resources. The Public Works Department (**PWD**) has **no objections** to this application. This application will generate an additional 5 pm daily peak hour **vehicle trips** to the area. However, said trips will not change or exceed the acceptable Levels of Service (LOS) on the area roadways that are currently operating at LOS "A" and "C." The Miami-Dade Fire Rescue Department (**MDFRD**) has **no objections** to the application, and indicates that any change(s) to the vehicular circulation, on the plans dated stamped May 25, 2007, must be resubmitted for review. Miami-Dade County Public Schools (**MDCPS**) has **no objections** to the application and has indicated that the proposed zoning will bring an additional **3 students** into the area's public schools. Additionally, MDCPS indicates that the applicant and the School Board have held the required dialogue.

The approval of either of the alternatives would allow the applicant to subdivide the property into five (5) residential lots. The Land Use Plan (LUP) Map of the Comprehensive Development Master Plan (CDMP) designates the subject property as **Agricultural** use. The principal uses in this area should be agriculture, uses ancillary to and directly supportive of agriculture such as packinghouses and farm residences. However, where residential development is proposed, the interpretative text of the

CDMP indicates that residential development can occur in Agriculturally designated areas at a density of **no more than one unit per five gross acres**. This would generate a permissible numerical density threshold of a maximum of 1 dwelling unit on the 5.28 gross acre site. As previously mentioned, the subject property contains a single-family residence that fronts on SW 216 Street on the southern, EU-1 zoned portion of the site. Further, the interpretative text of the CDMP reads that all existing lawful uses and zoning are deemed to be consistent with the Master Plan as provided in the "Concepts and Limitations of the Land Use Plan Map" of the CDMP. As such, although designated Agriculture on the LUP map, the existing EU-1 zoned, single-family residence is **consistent** with this provision of the interpretative text of the CDMP. Therefore, as indicated in the submitted plans, the existing residence sited on proposed 'Lot 5', which complies with all EU-1 zoning regulations, is allocated 1.16 gross acres of the site. This leaves a balance of 4.12 gross acres of Agriculturally designated land for the proposed subdivision, which would not be of sufficient size to accommodate even 1 more additional single-family residence, as determined by the 5-acre provision of the Master Plan for Agriculturally designated land, much less the 4 additional units proposed by the applicant.

The interpretative text of the CDMP allows that the creation of new parcels smaller than five gross acres for residential use may be approved in the Agriculture area only if the immediate area surrounding the subject parcel on three or more contiguous sides is predominately parcelized in a similar manner and if a division of the subject parcel would not precipitate additional land division in the area. As previously mentioned, the applicant seeks to subdivide the property and develop the 5.28 gross acre site with 5 (4 new and 1 existing), single-family residences each sited on 1 acre, or slightly greater, parcels of land. Research indicates that the subject site is not surrounded on three contiguous sides by similarly sized and legally established lots that have been parcelized in a similar manner, and thus the site does not meet the criteria as indicated in the provisions of the CDMP, keeping in mind that each of the proposed new lots must individually meet the three-sided rule. In 1983, the property located to the north of proposed Lot 1, across SW 212 Street, was approved for a non-use variance of lot area requirements, thus establishing the 1.55-gross acre lot as a building site in the AU zone, pursuant to Resolution No. 4-ZAB-361-83. On a side note, in 1983 the property was recommended for approval by the Department of Planning and Zoning based on the development pattern of single-family residences on similarly sized parcels found to the north, east, southeast and northeast of said parcel. As such, this abutting parcel is legally parcelized and contiguous to proposed Lot 1, which has a lot area of 1.10 gross acre; as such the northern side of Lot 1 qualifies for consideration under the Master Plan provision, but exceeds the size of the proposed Lot 1 and is, therefore, not similarly parcelized. Additionally, the property to the west of Lot 1 is a 5-acre parcel of land developed with a rural single-family residence and the property to the east of Lot 1 is a 2-acre parcel of land also developed with a rural single-family residence. Furthermore, the abutting property to the south of Lot 1 cannot be considered as it is part of the applicant's proposed subdivision referred to within this application as Lot 2, and as such, is not yet legally established. Therefore, Lot 1 does not meet the three-sided rule. Lot 2 also does not meet the three-sided rule as evidenced by the abutting properties on two sides, the north and south sides, not being able to be considered since both lots are part of the applicant's proposed subdivision, referred to within this application as Lot 1 and Lot 3, and as such, are not yet legally established. Further, Lot 2 also neighbors to the east the abovementioned 2-acre parcel of land developed with a rural single-family residence. The same circumstance exists for Lot 3 not meeting the three-sided rule as evidenced by the abutting properties on two sides, the north and south sides, not being able to be considered since both lots are part of the applicant's proposed subdivision, referred to within this application as Lot 2 and Lot 4, and as such, are not yet legally established. Further, Lot 3 also neighbors a 2.86-acre parcel of undeveloped land to the east and a 5-acre grove to the west. Therefore, Lot 3 does not meet the three-sided rule. Lot 4 also does not meet the three-sided rule as evidenced by the abutting property on the north side is part of the applicant's proposed subdivision, referred to within this application as Lot 3. However, Lot 5 is primarily zoned EU-1 and has an existing single-family

residence and, as such, is a legally established building site contiguous to and similarly sized as Lot 4. However, the property to the west of Lot 4 is the abovementioned 5-acre grove and the property to the east is the abovementioned 2.86-acre parcel of undeveloped land. Therefore, Lot 4 also does not meet the three-sided rule. Also, the 2 properties that abut proposed Lot 5 to the west are developed each with a single-family residence sited on 1 gross acres (39,399 net and 29,872 net); it must be noted that said properties are part of an EU-1 zoned subdivision, 'Keen Estates', that was platted in 2000 and consists of 18 lots that form an "L" along SW 187 Avenue and SW 216 Street. As such, these 2 abutting parcels are legally parcelized and contiguous to and relative to the size and scale of proposed Lot 5 and as such the western side of Lot 5 qualifies for consideration under the Master Plan provision. However, the property located to the south, across SW 216 Street, does not qualify as it is developed with a single-family residence established in 1957, but is sited on a 2-acre parcel of land. Moreover, the property located to the east of Lot 5 also does not qualify since although it has a similarly sized lot frontage, it is a 2.86-acre parcel of agricultural land. And the abutting property to the north of Lot 5 cannot be considered as it is part of the applicant's proposed subdivision, referred to within this application as Lot 4 and as such, is not yet legally established. Therefore, Lot 5 does not meet the three-sided rule; however, as previously mentioned, as a matter of right, the applicant can develop Lot 5 with a single-family residence in accordance with the underlying EU-1 zoning district regulations. In conclusion, the approval of this application, in either of its alternatives to subdivide the subject property into 5 approximately 1-acre sized building sites, is **inconsistent** with the criteria to allow for parcelization smaller than 5 gross acres to occur under the interpretative text of the CDMP and is **incompatible** with the parcels found in the immediate area and detrimental to the continued preservation of the viable agricultural land in Miami-Dade County. Therefore, the proposed zone change to EU-1 and the alternative requests for subdivision with reduced lot areas and lot frontage are **inconsistent** with the CDMP.

The Department of Planning and Zoning does not support the zone change from AU and EU-1 to EU-1. When considering district boundary changes, the Board shall hear and grant or deny applications by taking into consideration if the proposed development conforms to the Comprehensive Development Master Plan for Miami-Dade County. As previously mentioned, the proposed development is, in staff's determination, **inconsistent** with the Agricultural LUP Map designation of the CDMP and **incompatible** with the surrounding area. Staff notes that the UDB is included on the LUP map to distinguish the area where urban development may occur through the year 2015 from areas where it should not occur. As previously mentioned, this project is located **5 miles west of and outside of the UDB**. The 5.28-gross acre site is located along the southern edge (SW 216 Street) of section 12, township 56S, and range 38E. The one quarter ( $\frac{1}{4}$ ) section mile where the subject property lies is characteristically zoned with a 330' strip of EU-1 along the perimeter of the  $\frac{1}{4}$  section mile roadways, SW 182 Avenue, SW 216 Street, SW 187 Avenue and SW 208 street, surrounding AU zoned land in its center. This zoning configuration illustrates the obvious intention of accommodating future residential development of 1-acre minimum estate residences along the perimeter of the section mile while still maintaining and preserving viable agricultural land. This zoning configuration from 1948 is still intact when viewing the Zoning Map today, therefore aside from scattered approvals for variances of lot frontage and lot area, the extension of EU-1 zoning into the AU zoned center would be incompatible with the area, and would not maintain the basic intent and purpose of the zoning, subdivision and land use regulations. As such, staff is of the opinion that the requested zone change to EU-1 is **incompatible** with the AU zoning found in the majority of the area to the north, west and east of the subject property, and would be contrary with the original spirit and intent of the section mile zoning. Additionally, the proposed density is **inconsistent** with the Agricultural LUP map designation of the CDMP, and the proposed lot layout is **inconsistent** with the provisions for the subdivision of land on less than 5 acres found within the interpretative text. Accordingly, staff recommends denial without prejudice of the district boundary change to EU-1 on the entirety of the subject property.

The Alternative Site Development Option (ASDO) Standards, Section 33-311(A)(14), provide for the approval of a zoning application which can demonstrate at a public hearing that the development requested is in compliance with the applicable ASDO Standards and does not contravene the enumerated public interest standards. Requests #2 through #4 do not meet all of criteria needed for approval under the ASDO Standards for lots designated for **Agriculture** in the CDMP. Although the requests, to permit proposed Lots 2 - 4 each with a lot depth of 167.05' (request #2); to permit proposed Lot 1 with a lot area of 1.1 gross acres, to permit proposed Lots 2 - 4 each with a lot area of 1.006 gross acres (request #3); and to permit proposed Lot 1 with a lot frontage of 167.05' (request #4) meet the ASDO Standard in Section 33-311(A)(14)(d)(4)(E) which stipulates that the creation of new parcels must provide sufficient frontage to permit vehicular access to and from the lot, and ASDO Standard Section 33-311(A)(14)(d)(4)(C) which requires that the size and dimensions of the lot be sufficient to provide all setbacks, the requests fail the remaining standards. As indicated above, the proposed development will precipitate additional land division in the area (ASDO Standard Section 33-311(A)(14)(d)(4)(B)), as evidenced by the applicant's request for four parcels of land. Further, the requests do not meet the ASDO Standard in Section 33-311(A)(14)(d)(4)(A), which stipulates that the creation of a new parcel smaller than 5 acres in an area designated Agriculture in the CDMP may be considered, provided abutting parcels are predominately parcelized in a manner similar to the proposed development on three or more sides. Also, the requests will result in an obvious departure from the aesthetic character of the surrounding area (ASDO Standard Section 33-311(A)(14)(d)(4)(D)). Therefore, in staff's opinion, the requests cannot be approved under the ASDO Standards, and, as such, staff recommends denial without prejudice of requests #2 through #4 under Section 33-311(A)(14) (ASDO).

When requests #2 through #4 are analyzed under the Alternative Non-Use Variance (ANUV) Standards, Section 33-311(A)(4)(c), the applicant would have to prove that the alternative requests are due to an unnecessary hardship and that, should the requests not be granted, such denial would not permit the reasonable use of the premises. The applicant has not submitted documentation stating how the denial of this application will result in unnecessary hardship. As such, the requests cannot be approved under the ANUV Standards. Therefore, staff recommends denial without prejudice of requests #2 through #4 under Section 33-311(A)(4)(c) (ANUV).

When requests #2 through #4 are analyzed under Section 33-311(A)(4)(b), the Non-Use Variance Standards (NUV), staff is of the opinion that the proposed subdivision of the subject property would negatively affect the appearance and stability of the community. As previously mentioned, the entire subject property is designated for Agricultural use and the Agricultural designation on the LUP Map of the CDMP allows residential development to occur on parcels smaller than 5 acres in size when three sides immediately surrounding the subject property are parcelized in a similar manner. When reviewing the properties contiguous to all of the lots proposed in the subject property, and keeping in mind that each of the proposed 5 lots must meet the three-sided rule, staff has found that none of the proposed parcels as outlined in requests #2 through #4 referred to as Lot 1, Lot 2, Lot 3 and Lot 4, have properties on three (3) contiguous sides that have been legally parcelized in a similar manner. Accordingly, staff opines that the requests to permit four substandard parcels, as outlined in alternative requests #3 and #4, should be denied without prejudice under Section 33-311(A)(4)(b) (NUV).

Based on all of the foregoing, staff opines that the approval of the district boundary change would not be in keeping with the basic intent and purpose of the zoning, land use and subdivision regulations, and is **inconsistent** with the CDMP and that the subdivision as illustrated in the submitted plans is **incompatible** with the surrounding area. Therefore, staff recommends denial without prejudice of the district boundary change from AU and EU-1 to EU-1 (request #1), and the corresponding subdivision plan which illustrates lots with less depth than required (request #2), as well as the

alternative requests to subdivide the AU lots into 4 parcels smaller than what is required (requests #3 and #4) under the AU zoning.

I. **RECOMMENDATION:** Denial without prejudice.

J. **CONDITIONS:** None.

**DATE INSPECTED:** 09/06/07  
**DATE TYPED:** 08/16/07  
**DATE REVISED:** 08/20/07; 09/04/07; 09/27/07  
**DATE FINALIZED:** 09/27/07  
SB:MTF:LVT:JGM



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Subrata Basu, Interim Director  
Miami-Dade County Department of  
Planning and Zoning

# Memorandum



**Date:** July 2, 2007

**To:** Subrata Basu, AIA, AICP, Interim Director  
Department of Planning and Zoning

**From:** Jose Gonzalez, P.E., Assistant Director  
Environmental Resources Management

A handwritten signature in black ink, appearing to read "Jose Gonzalez", written over the printed name.

**Subject:** C-14 #Z2007000162  
Mauro E. Varena  
18475 S.W. 216<sup>th</sup> Street  
District Boundary Change from AU to EU-1 and Non-Use Variance to  
Subdivide Five Lots  
(AU) (5.13 Acres)  
12-56-38

The Department of Environmental Resources Management (DERM) has reviewed the subject application and has determined that it meets the minimum requirements of Chapter 24 of the Code of Miami-Dade County, Florida (the Code). Accordingly, DERM may approve the application, and the same may be scheduled for public hearing.

## Potable Water Service

Public water is not available to the subject property. However, DERM has no objection to this type of low intensity development served by an individual water supply system, provided that groundwater quality in the area is such that drinking water standards can be met by the proposed water supply system. A minimum separation distance of 100 feet is required between any well and all septic tank drainfields, all surface waters, and any other source of contamination.

## Wastewater Disposal

Public sanitary sewers are not located within feasible distance for connection to the subject property; consequently, any proposed development would have to be served by a septic tank and drainfield, as a means for the disposal of domestic liquid waste. DERM has no objection to the interim use of a septic tank and drainfield, provided that the maximum sewage loading allowed by Section 24-43.1(3) of the Code is not exceeded. Based on available information, the proposed single-family residence or duplex served by a septic tank would not exceed the maximum allowable sewage loading for the subject property.

## Stormwater Management

A Surface Water Management General Permit from DERM shall be required for the construction and operation of the required surface water management system. This permit shall be obtained prior to site development, final plat, or Miami-Dade Public Works Department approval of paving and drainage plans. The applicant is advised to contact the DERM Water Control Section for further information regarding permitting procedures and requirements.

All stormwater shall be retained on-site utilizing properly designed seepage or infiltration drainage structures. Drainage must be provided for the 5-year/1-day storm event with full on-site retention of the 25-year/3-day storm.

Site grading and development shall comply with the requirements of Chapter 11C of the Code.

Any proposed development shall comply with County and Federal flood criteria requirements. The proposed development order, if approved, will not result in a reduction in the Level of Service (LOS) standards for flood protection set forth in the Comprehensive Development Master Plan (CDMP), subject to compliance with the conditions required by DERM for this proposed development order.

#### Wetlands

The subject property does not contain jurisdictional wetlands, as defined in Section 24-5 of the Code; therefore, a Class IV Wetland Permit will not be required.

The applicant is advised that permits from the Army Corps of Engineers (305-526-7181), the Florida Department of Environmental Protection (561-681-6600), and the South Florida Water Management District (1-800-432-2045), may be required for the proposed project. It is the applicant's responsibility to contact these agencies.

#### Tree Preservation

The subject property may contain specimen-sized (trunk diameter 18 inches or greater) trees. Section 24-49.2(II) of the Code requires that specimen trees be preserved whenever reasonably possible. A Miami-Dade County Tree Removal Permit is required prior to the removal or relocation of any tree that is subject to the Tree Preservation and Protection provisions of the Code. Said Tree Removal Permit shall meet the requirements of Sections 24-49.2 and 24-49.4 of the Code.

The applicant is required to comply with the above tree permitting requirements. DERM's approval of the subject application is contingent upon inclusion of said tree permitting requirements in the resolution approving this application. The applicant is advised to contact DERM staff for additional information regarding tree permitting procedures and requirements prior to site development.

#### Enforcement History

DERM has found no open or closed enforcement record for the subject property.

#### Concurrency Review Summary

DERM has conducted a concurrency review for this application and has determined that the same meets all applicable LOS standards for an initial development order, as specified in the adopted CDMP for potable water supply, wastewater disposal, and flood protection. Therefore, the application has been approved for concurrency, subject to the comments and conditions contained herein.

This concurrency approval does not constitute a final concurrency statement and is valid only for this initial development order, as provided for in the adopted methodology for concurrency review. Additionally, this approval does not constitute any assurance that the LOS standards would be met by any subsequent development order applications concerning the subject property.

This memorandum shall constitute DERM's written approval, as required by the Code.

If you have any questions concerning the comments, or wish to discuss this matter further, please contact Enrique A. Cuellar at (305) 372-6764.

cc: Lynne Talleda, Zoning Evaluation - P&Z  
Ron Connally, Zoning Hearings - P&Z  
Franklin Gutierrez, Zoning Agenda Coordinator - P&Z

**PUBLIC WORKS DEPARTMENT COMMENTS**

Applicant's Names: MAURO E. VARENA

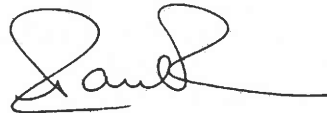
This Department has no objections to this application.

This land requires platting in accordance with Chapter 28 of the Miami-Dade County Code. The road dedications and improvements will be accomplished thru the recording of a plat.

This application does meet the traffic concurrency criteria for an Initial Development Order. It will generate 5 PM daily peak hour vehicle trips. The traffic distribution of these trips to the adjacent roadways reveal that the addition of these new trips does not exceed the acceptable level of service of the following roadways:

Sta.#		LOS present	LOS w/project
9208	Krome Ave. s/o SW 184 Ave.	A	A
9902	SW 216 St. e/o Krome Ave.	C	C
9210	Krome Ave. s/o SW 216 St.	A	A

The request herein, constitutes an Initial Development Order only, and one or more traffic concurrency determinations will subsequently be required before development will be permitted.



Raul A Pino, P.L.S.

19-JUL-07



# Miami-Dade County Public Schools

giving our students the world

**Superintendent of Schools**  
Rudolph F. Crew, Ed.D.

**Chief Facilities Officer**  
Jaime G. Torrens

**Planning Officer**  
Ana Rijo-Conde, AICP

## Miami-Dade County School Board

Agustin J. Barrera, Chair  
Dr. Martin Karp, Vice Chair  
Renier Diaz de la Portilla  
Evelyn Langlieb Greer  
Perla Tabares Hantman  
Dr. Robert B. Ingram  
Ana Rivas Logan  
Dr. Marta Pérez  
Dr. Solomon C. Stinson

July 19, 2007

**Received by**  
**Zoning Agenda Coordinator**

**JUL 23 2007**

Ms. Maria Teresa-Fojo, Division Chief  
Miami-Dade County  
Department of Planning and Zoning  
Zoning Evaluation Section  
111 NW 1 Street, Suite 1110  
Miami, Florida 33128

**Re: No. 07-162, Mauro E, Varena**  
**18475 SW 216 Street**

**RECEIVED**  
**JUL 23 2007**

ZONING

BY

Dear Ms. Fojo:

Pursuant to the state-mandated and School Board approved Interlocal Agreement, local government, the development community and the School Board are to collaborate on the options to address the impact of proposed residential development on public schools where the proposed development would result in an increase in the schools' FISH % utilization (permanent and relocatable), in excess of 115%. This figure is to be considered only as a review threshold and shall not be construed to obligate the governing agency to deny a development.

Attached please find the School District's (District) review analysis of potential impact generated by the above referenced application. Please note that two of the impacted school facilities meet the referenced review threshold (please see analysis).

Additionally, at its April 13, 2005 meeting, the Board approved School District criteria that would allow District staff to make recommendations on residential zoning applications that impact public schools beyond the 115% of FISH capacity threshold (Review Criteria). Pursuant to the Interlocal and the recently approved Review Criteria, the District spoke with the applicant on July 11, 2007, to discuss the impact of the proposed development on public schools. The District is grateful that the applicant took the time to discuss with the School District mitigation options outlined in the Review Criteria that may accommodate new students generated by the proposed application. **The applicant advised that he is unable to proffer additional mitigation other than the applicable impact fees as required by the Educational Facilities Impact Fee Ordinance.**

In accordance with the Review Criteria established by the Board, the School District is requesting that the application be denied, or that it be deferred until such time as the applicant is able to address the impact of the proposed residential development on public schools in the area.

Ms. Maria Teresa Fojo  
July 19, 2007  
Page Two

Additionally, pursuant to Miami-Dade County's Educational Facilities Impact Fee Ordinance the proposed development, if approved, will be required to pay educational facilities impact fees (impact fees) based on the following formula:

New residential unit square footage X .90 (Square Footage Fee) + \$600.00 (Base Fee) +  
2% administrative fee = Educational Facilities Impact fee

As an example, assuming the proposed unit is 2,000 square feet, the additional 4 units are estimated to generate approximately \$9,600 (\$2,400 per unit, excluding the 2% administration fee) in impact fees. This figure may vary since the impact fees assessed are based on the actual square footage of each dwelling unit.

As always, thank you for your consideration and continued partnership in our mutual goal to enhance the quality of life for the residents of our community.

Sincerely,



Corina S. Esquijarosa  
Coordinator III

CSE:rr  
L-031  
Attachment

cc: Ms. Ana Rijo-Conde  
Mr. Fernando Albuerne  
Mr. Michael A. Levine  
Mr. Ivan M. Rodriguez  
Ms. Vivian Villaamil

## SCHOOL IMPACT REVIEW ANALYSIS

**APPLICATION:** Mauro E. Varena, No. 07-162

**REQUEST:** Zone change from AU and EU-1 to EU-1

**ACRES:** 5.13 acres

**LOCATION:** 18475 SW 216 Street

**MSA/MULTIPLIER:** 7.2/.67

**NUMBER OF UNITS:** 4 additional units (1 unit currently permitted under existing zoning classification, for a total of 5 units)

**ESTIMATED STUDENT POPULATION:** 3 additional students\*

**ELEMENTARY:** 1

**MIDDLE:** 1

**SENIOR:** 1

### SCHOOLS SERVING AREA OF APPLICATION:

**ELEMENTARY:** Redland Elementary – 24501 SW 162 Avenue

**MIDDLE:** Redland Middle – 16001 SW 248 Street

**SENIOR HIGH:** South Dade Senior -28401 SW 167 Avenue

All schools are located in Regional Center VI.

\* Based on Census 2000 information provided by the Miami-Dade County Department of Planning and Zoning.

The following population and facility capacity data are as reported by the Office of Information Technology, as of October 2006:

	STUDENT POPULATION	FISH DESIGN CAPACITY PERMANENT	% UTILIZATION FISH DESIGN CAPACITY PERMANENT	NUMBER OF PORTABLE STUDENT STATIONS	% UTILIZATION FISH DESIGN CAPACITY PERMANENT AND RELOCATABLE	CUMMULATIVE STUDENTS
Redland Elementary	1,103	903	122%	0	122%	1,166
	1,104 *		122%		122%	
Redland Middle	1,449	1,230	118%	79	111%	1,499
	1,450 *		118%		111%	
South Dade Senior	2,694	1,721	157%	404	127%	2,890
	2,695 *		157%		127%	

\* Student population increase as a result of the proposed development

\*\* Estimated number of students (cumulative) based on zoning/land use log (2001-present) and assuming all approved developments are built; also assumes none of the prior cumulative students are figured in current population.

Note:

- Figures above reflect the impact of the class size amendment.
- Pursuant to the Interlocal Agreement, the impacted elementary and senior high schools meet the review threshold.

#### PLANNED RELIEF SCHOOLS IN THE AREA

(Information included in proposed 5-Year Capital Plan, 2006-2010, dated July 2006):

##### Projects in Planning, Design or Construction

<u>School</u>	<u>Status</u>	<u>Projected Occupancy Date</u>
State School "CC1" K-8 Center (Pine Villa and Naranja Elementary/ Mays, Centennial and Redland Middle Schools Relief) (1,624 student stations)	Construction	School Opening 2008
State School "CCC1" South Dade Senior Replacement (3,641 student stations)	Construction	School Opening 2008

Estimated Permanent Senior Seats (Current and Proposed in 5-Year Plan) 3,641

Note: Some of the proposed schools will add relief to more than one school and new seats will be assigned based on projected need.

**OPERATING COSTS:** According to Financial Affairs, the average cost for K-12 grade students amounts to \$6,549 per student. The total annual operating cost for additional students residing in this development, if approved, would total \$19,647.

**CAPITAL COSTS:** Based on the State's June 2007 student station cost factors\*, capital costs for the estimated additional students to be generated by the proposed development are:

ELEMENTARY	1	x	18,513	=	\$18,513
MIDDLE	DOES NOT MEET THRESHOLD				
SENIOR HIGH	1	x	25,968	=	\$25,968
<b>Total Potential Capital Cost</b>					<b>\$44,481</b>

\* Based on Information provided by the Florida Department of Education, Office of Educational Facilities Budgeting. Cost per student station does not include land cost.



# Memorandum

**Date:** 23-JUL-07

**To:** Subrata Basu, Interim Director  
Department of Planning and Zoning

**From:** Herminio Lorenzo, Fire Chief  
Miami-Dade Fire Rescue Department

**Subject:** Z2007000162

## Fire Prevention Unit:

This Memo supersedes MDRF Memorandum dated May 23, 2007.

### APPROVAL

Fire Engineering and Water Supply Bureau has no objection to Site plans date stamped July 13, 2007. Any changes to the vehicular circulation must be resubmitted for review and approval.

This plan has been reviewed to assure compliance with the MDRF Access Road Requirements for zoning hearing applications. Please be advised that during the platting and permitting stages of this project, the proffered site plan must adhere to corresponding MDRF requirements.

## Service Impact/Demand:

Development for the above Z2007000162  
located at 18475 S.W. 216 STREET, MIAMI-DADE COUNTY, FLORIDA.  
in Police Grid 2279 is proposed as the following:

5	dwelling units	N/A	square feet
residential		industrial	
N/A	square feet	N/A	square feet
Office		institutional	
N/A	square feet	N/A	square feet
Retail		nursing home/hospitals	

Based on this development information, estimated service impact is: 1.44 alarms-annually.  
The estimated average travel time is: 8:06 minutes

## Existing services:

The Fire station responding to an alarm in the proposed development will be:

Station 60 - Redland - 17605 SW 248 Street  
ALS Tanker

## Planned Service Expansions:

The following stations/units are planned in the vicinity of this development:

None.

## Fire Planning Additional Comments:

Current service impact calculated based on plans date stamped July 13, 2007. Substantial changes to the plans will require additional service impact analysis.

DATE: 09/18/07

REVISION 2

# TEAM METRO

## ENFORCEMENT HISTORY

MAURO E. VARENA

18475 S.W. 216 STREET, MIAMI-  
DADE COUNTY, FLORIDA.

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APPLICANT

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ADDRESS

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Z2007000162

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HEARING NUMBER

### CURRENT ENFORCEMENT HISTORY:

Current case history;

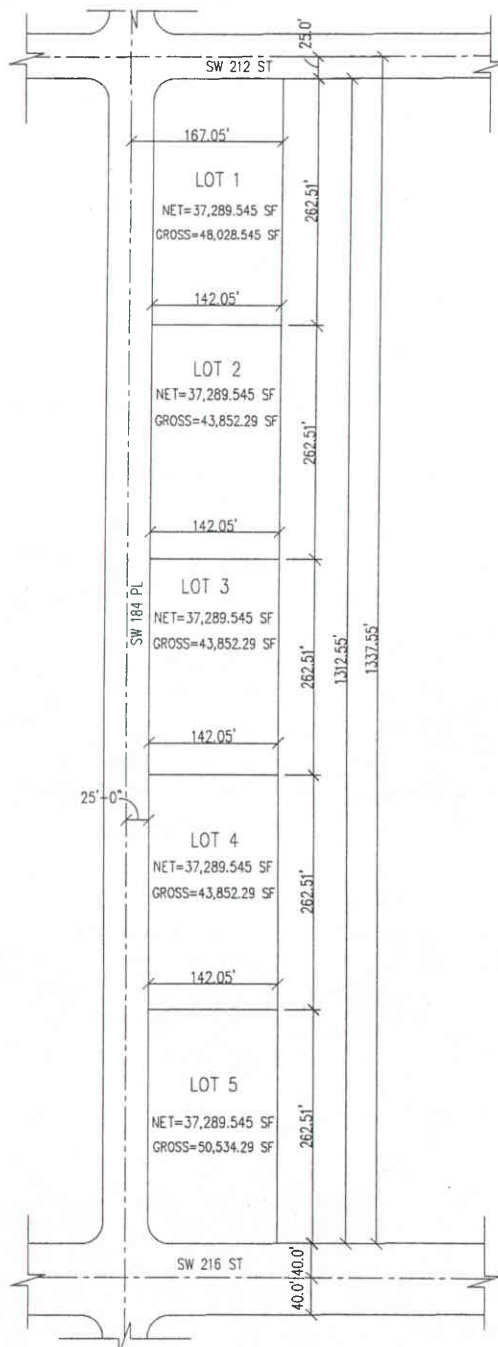
Case 200701005516 was opened based on enforcement history request and inspected on 9-6-07.

No violations were observed and case was closed.

Previous Case history;

Case 200701004683 was opened based on enforcement history request and inspected on 7-12-07  
and no violations were observed.

RECEIVED  
MAY 10 2017  
PLANNING DEPARTMENT  
1000 BAYVIEW BLVD  
SUITE 1000  
MIAMI, FL 33132



#### PROPOSED SITE PLAN

PATRICK MARTINELLI 1717 N BAYSHORE DR # 1641  
MIAMI FL 33132 (305) 244 33 74



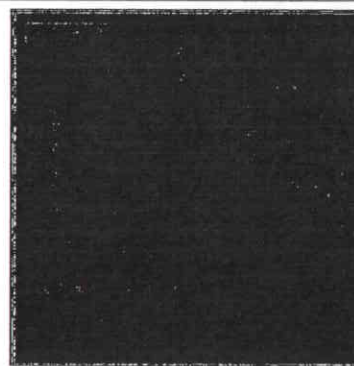
1/8" = 1'-0"

#### SITE SUMMARY

FOUO NUMBER:	30-6812-000-0320
PROPERTY ADDRESS:	18475 SW 216 STREET, MIAMI, FL 33170
ZONING:	AU AND EU-1, APPLYING FOR EU-1
LEGAL DESCRIPTION:	EAST 1/2 OF THE WEST 1/2 OF THE SW 1/4 OF THE SW 1/4, SECTION 12, TOWNSHIP 56 RANGE 38, DADE COUNTY
LOT AREA:	GROSS: 223,438 SF (5.13 ACRES)

#### LOT BREAKDOWN:

LOT 1:	142.05' X 262.51'
LOT AREA:	NET = 37,289.545 SF GROSS = 48,028.545 SF
LOT 2:	142.05' X 262.51'
LOT AREA:	NET = 37,289.545 SF GROSS = 43,852.29 SF
LOT 3:	142.05' X 260.51'
LOT AREA:	NET = 37,289.545 SF GROSS = 43,852.29 SF
LOT 4:	142.05' X 260.51'
LOT AREA:	NET = 37,289.545 SF GROSS = 43,852.29 SF
LOT 5:	142.05' X 262.51'
LOT AREA:	NET = 37,289.545 SF GROSS = 50,534.29 SF



LOCATION MAP

N.T.S.

#### ARCHITECTURAL STRUCTURAL

VICENTE FRANCO  
L.C. No. 000341  
State of Florida  
18770 N.W. 44th Ave  
Miami, FL 33170  
TEL: (305) 485-4899  
FAX: (305) 485-4899

THESE PLANS ARE  
FOR REVIEW ONLY

SEAL:

#### CONSULTANT

VICENTE FRANCO  
L.C. No. 000341  
State of Florida

#### OWNER:

PROPOSED DEVELOPMENT  
18475 SW 216 STREET, MIAMI, FL 33170  
TEL: (305) 485-4899

PROPOSED SITE PLAN  
18475 SW 216 ST. MIAMI FL, 33170

DATE:

REVISIONS:

PROJECT No.

DRAWN BY:

CHECKED BY:

SCALE:

AS SHOWN

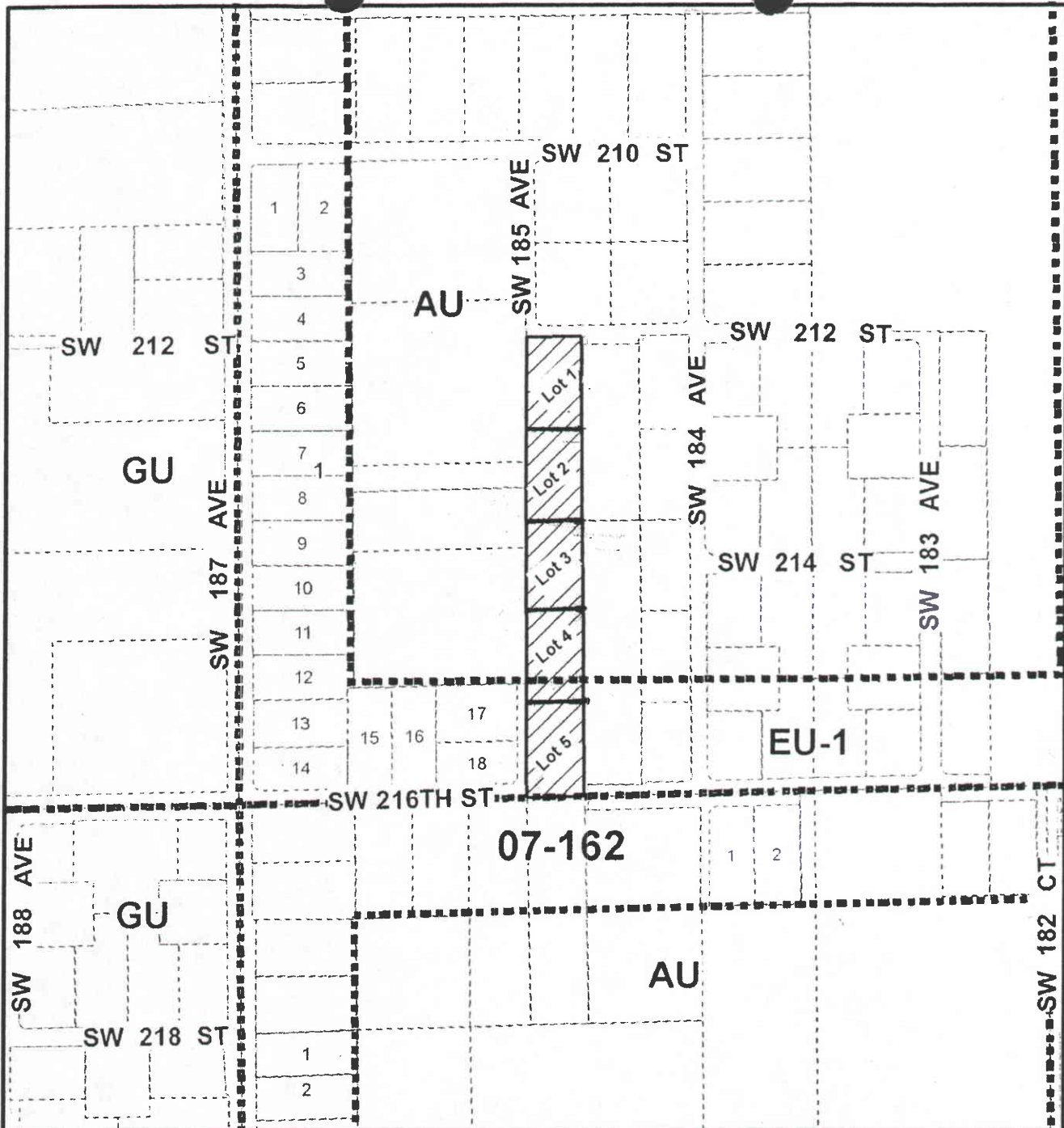
SHEET No.

1

OF

1

# PROPOSED LOTS 1-5



## MIAMI-DADE COUNTY HEARING MAP

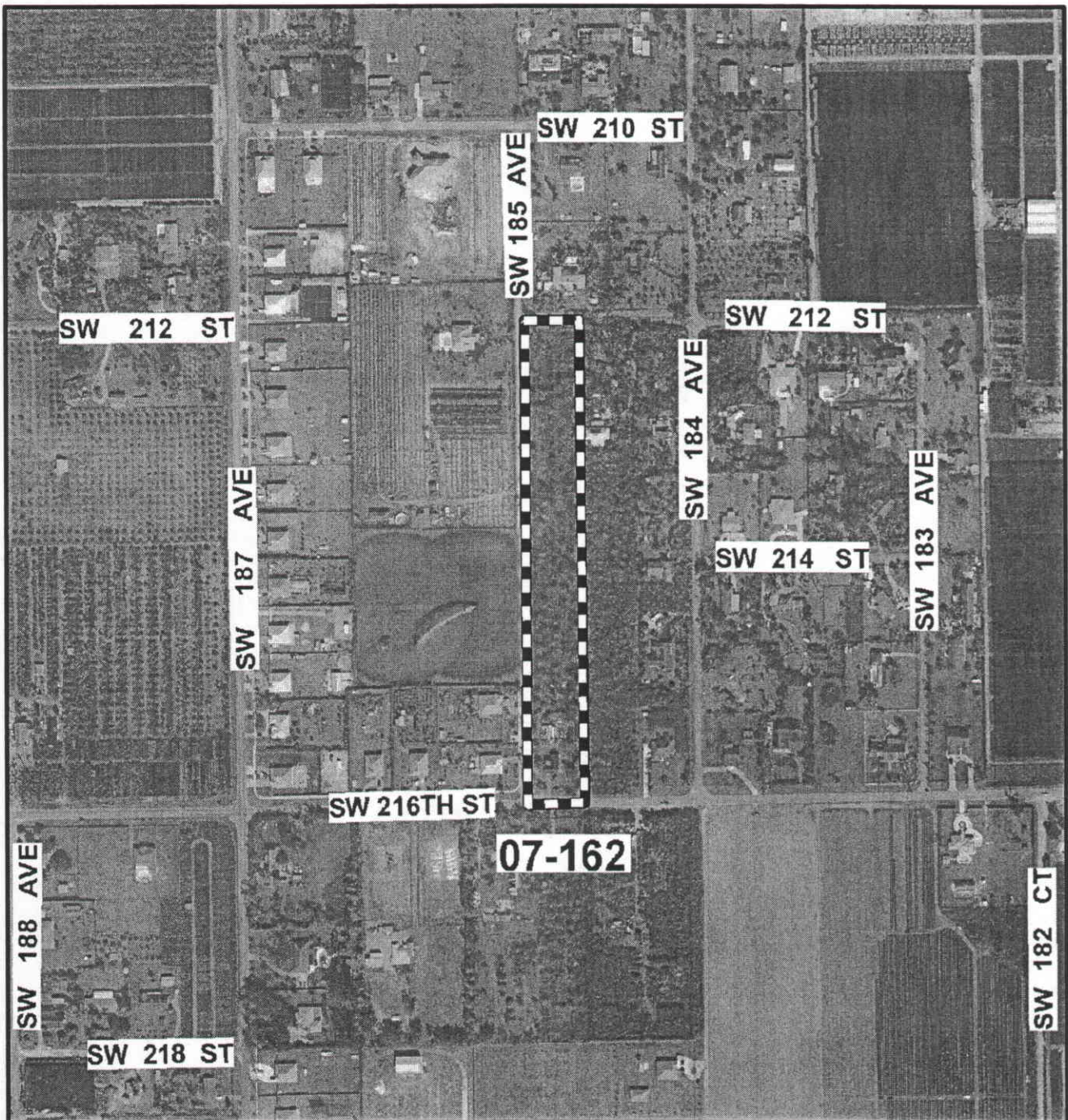
Section: 12 Township: 56 Range: 38  
 Process Number: 07-162  
 Applicant: MAURO E. VARENA  
 Zoning Board: C14  
 District Number: 9  
 Cadastral: JEFFER  
 Scale: NTS

S C A L E  
 0 NTS

 SUBJECT PROPERTY



GEOMATICS 07-162 06/24/07  
 REVISION PTXA LAYER 06/16/07



MIAMI-DADE COUNTY  
**AERIAL**

Section: 12 Township: 56 Range: 38  
Process Number: 07-162  
Applicant: MAURO E. VARENA  
Zoning Board: C14  
District Number: 9  
Cadastral: JEFFER  
Scale: NTS

SCALE  
0 NTS N



SUBJECT PROPERTY



# Memorandum



**Date:** November 30, 2007

**To:** Subrata Basu, Interim Director  
Department of Planning and Zoning

**From:** Jack Kardys, Interim Director  
Park and Recreation Department

**Subject:** Concurrency approval

This memorandum updates the blanket concurrency approval memo of November 15, 2005. There is an adequate level of service within each of the three Park Benefit Districts for all unincorporated areas, as shown on the attached table, and we project that there will be sufficient surplus capacity to maintain an adequate level of service for one additional year. Nevertheless, on a case-by-case basis, this Department will additionally evaluate the capacity of existing parks to support projected residential populations created by new development.

This approval is valid until November 30, 2008. If conditions change prior to that, I will inform Helen Brown, Concurrency Administrator of your department.

Attachment

JK: rk

cc: Helen Brown, Metropolitan Planning, DP&Z  
W. Howard Gregg, Asst. Director for Planning & Development, PARD  
Barbara Falsey, Chief, Planning and Research Division, PARD


PBD	2007 Unincorporated Population Plus Permitted Development	Standard @ 2.75 Acres Per 1000 (Acres)	Existing Local Open Space			Total Recreation Open Space Acreage	Surplus (Deficit) Acres	Percent of Standard (%)
			Public Park Acres	School Acres	1/2 Private Open Space Acres			
1	395,924	1,088.79	972.08	299.82	110.00	1,381.90	293.11	126.92
2	588,732	1,619.01	1,616.63	356.30	137.00	2,109.93	490.92	130.32
3	155,755	429.33	526.63	96.62	17.00	623.82	195.49	145.64
Total:	1,140,411	3,136.13	3,115.34	752.74	264.00	4,115.65	979.52	134.29

# Memorandum



**Date:** September 25, 2007

**To:** Jack Kardys, Interim Director  
Park and Recreation Department

**From:**  Subrata Basu, AIA, AICP, Interim Director  
Department of Planning and Zoning

**Subject:** Blanket Concurrency Approval for Local Recreation Open Space

---

The blanket level of service/concurrency authorization for recreation and open space issued by your department last year will expire on November 30, 2007. This authorization must be re-issued prior to October 15, 2007, so that the Department of Planning and Zoning (DP&Z) may continue reviewing concurrency applications on your behalf. If such authorization is not received, DP&Z will have to refer all zoning and permit applications to your department for concurrency review.

The Park and Recreation Department's re-authorization for blanket concurrency authorization should be effective beginning December 1, 2007 and expiring on September 30, 2008. Please note that this concurrency re-authorization period, which is less than a year, allows the Parks and Recreation Department to assume a new re-authorization timeframe of October 1 to September 30 beginning in 2008: all other such departments currently use the October 1 to September 30 re-authorization timeframe. The re-authorization should be issued, only if, after an evaluation by your department, sufficient surplus capacity to sustain projected development exists for the stated period. If there is not sufficient surplus capacity for the stated period, please advise this department immediately.

If you need further information on this matter, please contact Helen A. Brown, Concurrency Administrator, at (305) 375-2835

cc: M.T. Fojo  
L. Itzkoff  
L. Talleda  
H. Brown

# Memorandum



**Date:** September 17, 2007

**To:** Subrata Basu, Interim Director, Department of Planning and Zoning

**From:** *Kathleen Woods Richardson*  
Kathleen Woods-Richardson, Director, Department of Solid Waste Management

**Subject:** Solid Waste Disposal Concurrency Determination

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Service Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of ten (10) years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements, long term contracts and anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS through Fiscal Year 2014 or two (2) years beyond the minimum standard (five years capacity). This determination is contingent upon the continued ability of the County and its disposal service contract provider to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to issue development orders. This determination shall remain in effect for a period of one (1) fiscal year (ending September 30, 2008), at which time a new determination will be issued. If, however, a significant event occurs that substantially alters the projection, the Department will issue an updated determination.

## Attachment

cc: Vicente Castro, Deputy Director, Operations  
Christopher Rose, Deputy Director, Administration  
James Bostic, Assistant Director, Operations  
Asok Ganguli, Assistant Director, Technical Services

RECEIVED  
SEP 18 2007

Asst. Director Planning

**Department of Solid Waste Management (DSWM)**  
**Solid Waste Management Disposal Facility Available Capacity**  
**From Fiscal Year 2007-08 Through Fiscal Year 2016-17**

FISCAL YEAR PERIOD	WASTE PROJECTION	RESOURCES RECOVERY ASHFILL *			SOUTH DADE LANDFILL **			NORTH DADE LANDFILL ***			WMI ****
		Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	CONTRACT DISPOSAL
OCT. 1, 2007 TO SEPT. 30, 2008	1,885,000	828,686	155,000	673,686	2,518,633	307,000	2,211,633	2,068,785	355,000	1,713,785	250,000
OCT. 1, 2008 TO SEPT. 30, 2009	1,885,000	673,686	155,000	518,686	2,211,633	307,000	1,904,633	1,713,785	355,000	1,358,785	250,000
OCT. 1, 2009 TO SEPT. 30, 2010	1,885,000	518,686	155,000	363,686	1,904,633	307,000	1,597,633	1,358,785	355,000	1,003,785	250,000
OCT. 1, 2010 TO SEPT. 30, 2011	1,885,000	363,686	155,000	208,686	1,597,633	307,000	1,290,633	1,003,785	355,000	648,785	250,000
OCT. 1, 2011 TO SEPT. 30, 2012	1,885,000	208,686	155,000	53,686	1,290,633	307,000	983,633	648,785	355,000	293,785	250,000
OCT. 1, 2012 TO SEPT. 30, 2013	1,885,000	53,686	53,686	0	983,633	408,314	575,319	293,785	293,785	0	311,215
OCT. 1, 2013 TO SEPT. 30, 2014	1,885,000	0	0	0	575,319	567,000	8,319	0	0	0	500,000
OCT. 1, 2014 TO SEPT. 30, 2015	1,885,000	0	0	0	8,319	8,319	0	0	0	0	500,000
OCT. 1, 2015 TO SEPT. 30, 2016	1,885,000	0	0	0	0	0	0	0	0	0	0
OCT. 1, 2016 TO SEPT. 30, 2017	1,885,000	0	0	0	0	0	0	0	0	0	0
REMAINING YEARS				5			7			5	

ANNUAL DISPOSAL RATE (in tons)

RESOURCES RECOVERY ASHFILL	155,000
SOUTH DADE LANDFILL	307,000
NORTH DADE LANDFILL	355,000
CONTRACT	250,000
TOTAL TO BE LANDFILLED	<u>1,067,000</u>

\* Ashfill capacity for Cell 19 (Cell 20 is not included). When Cell 19 is depleted Resources Recovery Plant Ash and Okeelanta Ash will go to South Dade Landfill and WMI.

\*\* South Dade includes Cells 3 and 4 (Cell 5 is not included). Assumes unders from Resources Recovery consumes capacity whether or not it is used as cover.

\*\*\* North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted, trash goes to South Dade Landfill and WMI.

\*\*\*\* Maximum Contractual Tonnage per year to WMI is 500,000 tons, 250,000 tons to the Medley Landfill and 250,000 tons to the Pompano Landfill in Broward County. WMI disposal contract ends September 30, 2015.

All capacity figures are derived from the Capacity of Miami-Dade County Landfills draft report prepared by the Brown and Caldwell based on the actual January, 2007, survey with actual tons from January, 2007, through June, 2007, and projected tons for July, August and September, 2007.

# Memorandum



**Date:** January 15, 2008

**To:** Subrata Basu, Interim Director  
Department of Planning and Zoning

**From:** Harpal Kapoor, Director  
Miami-Dade Transit

**Subject:** FY08 Blanket Concurrency Approval for Transit

This memorandum serves as a blanket authorization for your Department to continue to review and approve concurrency applications for mass transit in all areas of Miami-Dade County.

Miami-Dade Transit (MDT) has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66, Administrative Order 4-85, and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your department's Research Division, and a review of the Metrobus/Metrorail service area, we are able to re-authorize your department to review and approve concurrency applications since all areas of Miami-Dade County meet or exceed the Level-of-Service Standards (LOS) for mass transit established in the above-referenced County Rules and Regulations.

MDT continues with the development process for the North Corridor transit project along NW 27<sup>th</sup> Avenue from 62<sup>nd</sup> Street to the Broward County line. Please ask your staff to continue to flag any application whose address is on NW 27<sup>th</sup> Avenue, between these two points, so that they may be reviewed by MDT staff.

This authorization is intended to continue the arrangement between our respective Departments, and is effective for the period October 1, 2007 to September 30, 2008, or until canceled by written notice from my office.

Should your staff require additional information or assistance with mass transit concurrency matters, please have them contact John T. Spillman, Chief, Planning & Development Division, at 786-469-5289. Your continued cooperation on these important matters is greatly appreciated.

c: Albert Hernandez  
John T. Spillman

RECEIVED  
JAN 17 2007

Asst. Director Planning

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** April 21, 2005

**To:** Alberto J. Torres, Assistant Director for Zoning  
Department of Planning and Zoning

**From:** Manuel C. Mena, Chief  
MDFR Fire Prevention Division

**Subject:** Concurrency Approval

---

Subject to compliance with Article XIV a. "Water Supply for Fire Suppression" of the Miami-Dade County Code, blanket approval for "Initial Development Orders" for any proposed use is hereby granted until further notice.

A subsequent review to assess compliance with Miami-Dade County Fire Flow Standards addressed under the concurrency requirements, as stated in Chapter 163, part 2. Florida Statute, will be necessary during the building permit process.

When zoning use variances are permitted the fire flow standards for the zone permitting the use will be applied

MCM:skr

c: Control File

# Memorandum



**Date:** October 12, 2006

**To:** Diane O'Quinn Williams, Director  
Department of Planning and Zoning

**From:** Roosevelt Bradley, Director  
Miami-Dade Transit

A handwritten signature in black ink, appearing to read "Roosevelt Bradley", with a stylized flourish at the end.

**Subject:** FY-07 Blanket Concurrency Approval for Transit

This memorandum serves as a blanket authorization for the Department of Planning and Zoning to continue to approve concurrency applications for mass transit in all areas of Miami-Dade County.

Miami-Dade Transit (MDT) has been charged with the responsibility of reviewing and approving concurrency applications for mass transit levels of service as stated in County Ordinance 89-66, Administrative Order 4-85 and Section 33-G of the Miami-Dade County Code. Based on the latest socio-economic information provided by your department's Research Division, and a review of the Metrobus/Metrorail service area included in the 2005 Transit Development Program (TDP) update (Figure IV-3, page IV-23), we are able to re-authorize your department to review and approve concurrency applications since it appears that all areas of Miami-Dade County meet or exceed the Level-of-Service (LOS) for mass transit established in the above referenced County Rules and Regulations.

MDT continues to advance the development process for the North Corridor transit project along NW 27<sup>th</sup> Avenue from 62<sup>nd</sup> Street to the Broward County Line. Please ask your staff to continue to signal any application whose address is on NW 27<sup>th</sup> Avenue, between these two points, so that they may be reviewed by MDT Staff.

This authorization is intended to continue the arrangement between our respective departments, and is effective for the period of October 1, 2006 to September 30, 2007, or until canceled by written notice from my office.

If your staff needs further information or assistance with mass transit concurrency matters, they may wish to contact Mario G. Garcia, Chief, System Planning Division, at (305) 375-1193. Your continued cooperation on these important matters is greatly appreciated.


**Cc:** Albert Hernandez, Deputy Director  
MDT Planning and Engineering  
Mario G. Garcia, Chief  
MDT System Planning Division  
Helen A. Brown, Concurrency Administrator  
Department of Planning and Zoning

# Memorandum



**Date:** September 25, 2007

**To:** Jack Kardys, Interim Director  
Park and Recreation Department

**From:**  Subrata Basu, AIA, AICP, Interim Director  
Department of Planning and Zoning

**Subject:** Blanket Concurrency Approval for Local Recreation Open Space

The blanket level of service/concurrency authorization for recreation and open space issued by your department last year will expire on November 30, 2007. This authorization must be re-issued prior to October 15, 2007, so that the Department of Planning and Zoning (DP&Z) may continue reviewing concurrency applications on your behalf. If such authorization is not received, DP&Z will have to refer all zoning and permit applications to your department for concurrency review.

The Park and Recreation Department's re-authorization for blanket concurrency authorization should be effective beginning December 1, 2007 and expiring on September 30, 2008. Please note that this concurrency re-authorization period, which is less than a year, allows the Parks and Recreation Department to assume a new re-authorization timeframe of October 1 to September 30 beginning in 2008: all other such departments currently use the October 1 to September 30 re-authorization timeframe. The re-authorization should be issued, only if, after an evaluation by your department, sufficient surplus capacity to sustain projected development exists for the stated period. If there is not sufficient surplus capacity for the stated period, please advise this department immediately.

If you need further information on this matter, please contact Helen A. Brown, Concurrency Administrator, at (305) 375-2835

cc: M.T. Fojo  
L. Itzkoff  
L. Talleda  
H. Brown

# Memorandum

MIAMI-DADE  
COUNTY

**Date:** November 30, 2006

**To:** Dianne O'Quinn Williams, Director  
Department of Planning and Zoning

**From:** Vivian Donnell Rodriguez, Director  
Park and Recreation Department

**Subject:** Concurrency approval

This memorandum updates the blanket concurrency approval memo of November 15, 2005. There is an adequate level of service within each of the three Park Benefit Districts for all unincorporated areas, as shown on the attached table, and we project that there will be sufficient surplus capacity to maintain an adequate level of service for one additional year. Nevertheless, on a case-by-case basis, this Department will additionally evaluate the capacity of existing parks to support projected residential populations created by new development.

This approval is valid until November 30, 2007. If conditions change prior to that, I will inform Helen Brown, Concurrency Administrator of your department.

Attachment

VDR:WHG:BF:RK

cc: Helen Brown, Metropolitan Planning, DP&Z  
W. Howard Gregg, Asst. Director for Planning & Development, PARD  
Barbara Falsey, Chief, Planning and Research Division, PARD

## 2006 PARK LOCAL OPEN SPACE BASED ON BENEFIT DISTRICTS - UNINCORPORATED AREA

PBD	2000 Population	Accrued Population	Total Population	Need @ 2.75 Acres Per 1000 (Acres)	Existing Local Open Space			Total Local Open Space	Surplus (Deficit) Acres	Level of Service
					Park Acres	School field Acres	1/2 Private Acres			
1	332,396	36,047	368,443	1,013.21	963.51	455.52	85.32	1,504.35	491.14	1.484
2	520,177	33,762	553,939	1,523.31	1,476.12	447.53	139.79	2,063.44	540.13	1.354
3	141,699	59,407	201,106	553.03	578.93	126.30	6.90	712.13	159.10	1.287
	994,272	129,216	1,123,488	3,089.55	3,018.56	1,029.35	232.01	4,279.92	1,190.37	1.375

# Memorandum



**Date:** April 21, 2005

**To:** Alberto J. Torres, Assistant Director for Zoning  
Department of Planning and Zoning

**From:** Manuel C. Mena, Chief  
MDFR Fire Prevention Division

**Subject:** Concurrency Approval

---

Subject to compliance with Article XIV a. "Water Supply for Fire Suppression" of the Miami-Dade County Code, blanket approval for "Initial Development Orders" for any proposed use is hereby granted until further notice.

A subsequent review to assess compliance with Miami-Dade County Fire Flow Standards addressed under the concurrency requirements, as stated in Chapter 163, part 2. Florida Statute, will be necessary during the building permit process.

When zoning use variances are permitted the fire flow standards for the zone permitting the use will be applied

MCM:skr

c: Control File

# Memorandum



**Date:** September 15, 2006

**To:** Diane O'Quinn Williams, Director, Department of Planning and Zoning

**From:** *Kathleen Woods Richardson*  
Kathleen Woods-Richardson, Director, Department of Solid Waste Management

**Subject:** Solid Waste Disposal Concurrency Determination

The Department of Solid Waste Management determines compliance with the County's adopted level-of-service (LOS) standard for solid waste disposal based on the ability of the County Solid Waste Management System (System) to accommodate projected waste flows for concurrency. Only those System facilities that are constructed or subject to a binding executed contract for the provision of services are included in this determination, in accordance with Chapter 33G of the Miami-Dade County Code, Service Concurrency Management Program.

The attached spreadsheet presents the projected utilization of the System's remaining disposal capacity over a period of ten (10) years. The projection is based on the demand generated by those parties (municipalities and private haulers) who have committed their waste flows to the System through interlocal agreements, long term contracts and anticipated non-committed waste flows, in accordance with the LOS standard. The analysis shows adequate System capacity to meet the LOS through Fiscal Year 2013 or two (2) years beyond the minimum standard (five years capacity). This determination is contingent upon the continued ability of the County and its disposal service contract provider to obtain and renew disposal facility operating permits from the applicable federal, state and local regulatory agencies. Therefore, please be advised that the current LOS is adequate to issue development orders. This determination shall remain in effect for a period of one (1) fiscal year (ending September 30, 2007), at which time a new determination will be issued. If, however, a significant event occurs which substantially alters the projection, the Department will issue an updated determination.

## Attachment

cc: Vicente Castro, Deputy Director, Operations  
Dana M. Moss, Sr., Deputy Director, Administration and Finance  
James Bostic, Assistant Director, Operations  
Asok Ganguli, Assistant Director, Technical Services  
David Ritchey, Assistant Director, Administration

**RECEIVED**

13 2006

MIAMI-DADE COUNTY  
DIRECTOR'S OFFICE  
DEPT. OF PLANNING & ZONING

Department of Solid Waste Management (DSWM)  
Solid Waste Management Disposal Facility Available Capacity  
From Fiscal Year 2006-07 Through Fiscal Year 2015-16

FISCAL YEAR PERIOD	WASTE PROJECTION	RESOURCES RECOVERY ASHFILL *			SOUTH DADE LANDFILL **			NORTH DADE LANDFILL ***			WMI ****	TOTAL TO BE LANDFILLED	TO BE INCINERATED AND RECYCLE
		Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	Beginning Capacity	Landfilled	Ending Capacity	CONTRACT DISPOSAL		
1, 2006 TO SEPT. 30, 2007	1,776,000	783,085	167,000	616,085	2,499,001	180,000	2,319,001	1,896,521	354,000	1,542,521	250,000	951,000	825
OCT. 1, 2007 TO SEPT. 30, 2008	1,776,000	616,085	167,000	449,085	2,319,001	180,000	2,139,001	1,542,521	354,000	1,188,521	250,000	951,000	825
OCT. 1, 2008 TO SEPT. 30, 2009	1,776,000	449,085	167,000	282,085	2,139,001	180,000	1,959,001	1,188,521	354,000	834,521	250,000	951,000	825
OCT. 1, 2009 TO SEPT. 30, 2010	1,776,000	282,085	167,000	115,085	1,959,001	180,000	1,779,001	834,521	354,000	480,521	250,000	951,000	825
OCT. 1, 2010 TO SEPT. 30, 2011	1,776,000	115,085	115,085	0	1,779,001	231,915	1,547,086	480,521	354,000	126,521	250,000	951,000	825
OCT. 1, 2011 TO SEPT. 30, 2012	1,776,000	0	0	0	1,547,086	574,479	972,607	126,521	126,521	0	250,000	951,000	825
OCT. 1, 2012 TO SEPT. 30, 2013	1,776,000	0	0	0	972,607	701,000	271,607	0	0	0	250,000	951,000	825
OCT. 1, 2013 TO SEPT. 30, 2014	1,776,000	0	0	0	271,607	271,607	0	0	0	0	250,000	521,607	825
OCT. 1, 2014 TO SEPT. 30, 2015	1,776,000	0	0	0	0	0	0	0	0	0	250,000	250,000	825
OCT. 1, 2015 TO SEPT. 30, 2016	1,776,000	0	0	0	0	0	0	0	0	0	0	0	825
REMAINING YEARS				4			7			5			

ANNUAL DISPOSAL RATE (In tons)	
RESOURCES RECOVERY ASHFILL	167,000
SOUTH DADE LANDFILL	180,000
NORTH DADE LANDFILL	354,000
WMI CONTRACT	250,000
TOTAL TO BE LANDFILLED	<u>951,000</u>

- \* Ashfill capacity for Cell 19 (Cell 20 is not included). When Cell 19 is depleted Resources Recovery Plant Ash and Okeelanta Ash will go to South Dade Landfill and WMI.
- \*\* South Dade includes Cells 3 and 4 (Cell 5 is not included). Assumes unders from Resources Recovery consumes capacity whether or not it is used as cover.
- \*\*\* North Dade capacity represents buildout of the facility. When North Dade Landfill capacity is depleted trash goes to South Dade Landfill and WMI.
- \*\*\*\* Maximum Contractual Tonnage per year to WMI is 500,000 tons. WMI disposal contract ends September 30, 2015.
- All capacity figures are derived from the Capacity of Miami-Dade County Landfills report prepared by the Brown and Caldwell, Dated August, 2006.



**Miami-Dade Police Department**  
**Address: 18475 SW 216 STREET**  
**MAURO E. VARENA; HEARING # 07-162**

C-14



Police Grids Boundaries

GRID 2279

MDPD Crime Analysis System  
June 13, 2007  
Data in this document represents  
successfully geocoded attributes.



Prepared By: C. Guerra, PCAS

FISCAL & PLANNING BUREAU



Miami-Dade Police Department

# Miami-Dade Police Department

## Address Query for Events occurring at 18475 SW 216

### For 2005-05-01 Thru 2007-05-31

Crime Information Warehouse

Detail Filter: Dis.Complaint Date >= "2005-05-01" and Dis.Complaint Date < "2007-06-01" and Dis.Police District Code in ( "A", "B", "C", "CB", "D", "E", "G", "H", "I", "K", "L", "M", "N", "P", "Q", "R", "ZZ" ) and Dis.Incident Address contains "18475 SW 216" and Dis.Reporting Agency Code = substring ( "030", 1, 3 ) and Common and Dis.Signal Code in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" )

Incident Address	Dis	Grid	A O P	Complaint Date	Day of Wk	Call Rcvd Time	Complaint Name	Case Number	Sig Pre	Sig Suf	Rcvd Time	Disp Time	1st Arriv Time	1st Arriv Unit	Event Number	Rp Wr YN
18475 SW 216TH ST	C	2279	3	08/24/2005	WED	17:40:29		PD050824002902		54	17:40:29	17:40:29	17:40:29	C3380	PD050824005066	Y
18475 SW 216TH ST	C	2279	3	09/28/2005	WED	18:28:01	HARVEY	PD050928064455		34	18:28:01	18:28:55	18:51:39	C3307	PD050928102278	Y



**MIAMI-DADE POLICE DEPARTMENT**  
**Zoning Hearing Report Part I and Part II Crimes w/o AOA**  
**For Specific Grids**  
**For 2005 and 2006**



Miami-Dade Police Department

Grid(s): 0030, 1076, 1473, 1634, 1762, 1886, 1916, 1917, 1918, 2142, 2236, 2279

2005 2006

Grid 2279					
Part I					
130A		AGGRAVATED ASSAULT		0	1
2200		BURGLARY		3	3
2400		MOTOR VEHICLE THEFT		3	1
230G		SHOPLIFTING ALL OTHERS		1	0
230F		SHOPLIFTING FROM A MOTOR VEHICLE		5	0
Part I TOTAL				12	5
Part II					
260D		IMPERSONATION		1	0
130B		SIMPLE ASSAULT		2	1
Part II TOTAL				3	1
Grid 2279 TOTAL				15	6



# Miami-Dade Police Department Zoning Hearing Report - Dispatch Information For 2005 and 2006



Miami-Dade Police Department

Detail Filter: ( Dis.Complaint Date >= FirstDate and Dis.Complaint Date < LastDate ) and ( Dis.Grid in ( "0030", "1076", "1473", "1634", "1762", "1886", "1916", "1917", "1918", "2142", "2236", "2279" ) ) and ( ( Dis.Signal Code in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) or ( 'ALL' in ( "13", "14", "15", "16", "17", "18", "19", "20", "21", "22", "23", "24", "25", "26", "27", "28", "29", "30", "31", "32", "33", "34", "35", "36", "37", "38", "39", "40", "41", "42", "43", "44", "45", "46", "47", "48", "49", "50", "51", "52", "53", "54", "55" ) ) ) and Common

		2005	2006	
Grid	Signal Code	Signal Description		
2279	13	SPECIAL INFORMATION/ASSIGNMENT	4	7
	14	CONDUCT INVESTIGATION	3	11
	15	MEET AN OFFICER	16	0
	17	TRAFFIC ACCIDENT	0	2
	18	HIT AND RUN	0	1
	19	TRAFFIC STOP	2	4
	20	TRAFFIC DETAIL	1	0
	21	LOST OR STOLEN TAG	0	1
	22	AUTO THEFT	3	1
	25	BURGLAR ALARM RINGING	12	10
	26	BURGLARY	9	4
	27	LARCENY	1	0
	28	VANDALISM	1	0
	32	ASSAULT	2	3
	34	DISTURBANCE	5	9
	36	MISSING PERSON	0	4
	37	SUSPICIOUS VEHICLE	2	2
	38	SUSPICIOUS PERSON	0	2
	41	SICK OR INJURED PERSON	1	3
	44	ATTEMPTED SUICIDE	0	1
	49	FIRE	0	1
54	FRAUD	1	1	
Total Signals for Grid 2279 :			63	67